

AMENDMENTS TO LB376

Introduced by General Affairs.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 53-101, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5           53-101 Sections 53-101 to 53-1,122 and sections 3 to 7 of this act  
6 shall be known and may be cited as the Nebraska Liquor Control Act.

7           Sec. 2. Section 53-103, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           53-103 For purposes of the Nebraska Liquor Control Act, the  
10 definitions found in sections 53-103.01 to 53-103.49 and sections 3 and 4  
11 of this act apply.

12           Sec. 4. (1) Primary source of supply in the United States means:

13           (a) The manufacturer, producer, or owner of any alcoholic liquor at  
14 the time it becomes a marketable product in the United States;

15           (b) The bottler of any alcoholic liquor in the United States;

16           (c) The exclusive agent within the United States or any of the  
17 states of any manufacturer, producer, owner, or bottler of any alcoholic  
18 liquor outside the United States; or

19           (d) A licensed Nebraska craft brewery, farm winery, microdistillery,  
20 or manufacturer.

21           (2) To be the primary source of supply in the United States, the  
22 licensee causing such alcoholic liquor to be imported into Nebraska must  
23 be the first source, such as the manufacturer or the source closest to  
24 the manufacturer, in the channel of commerce from which the product can  
25 be secured by Nebraska licensed wholesalers.

26           Sec. 5. (1)(a) Beginning July 1, 2024, prior to the sale or  
27 shipment of any alcoholic liquor into the State of Nebraska, each

1 licensed manufacturer, licensed wholesaler, or holder of a shipping  
2 license shall submit to the commission, along with any applicable fee set  
3 by the commission not to exceed thirty dollars, a report on a form  
4 prescribed and furnished by the commission, which shall include:

5 (i) The licensee's name and license number;

6 (ii) The designated Nebraska licensed wholesaler for such product,  
7 if applicable;

8 (iii) The name of the primary source of supply in the United States;

9 (iv) The products to be imported, including the brand name, class or  
10 type of product, and fanciful name if applicable;

11 (v) Evidence of compliance with federal label requirements pursuant  
12 to the Federal Alcohol Administration Act 27 U.S.C. chapter 8, and rules  
13 and regulations adopted pursuant to such act, as such act and regulations  
14 existed on January 1, 2023, or a sample of the actual label if federal  
15 approval is not required; and

16 (vi) Any other information the commission may require related to  
17 such sale or shipment.

18 (b) If the licensed manufacturer, licensed wholesaler, or holder of  
19 a shipping license is not the product manufacturer, such licensee shall  
20 also include with such form a separate letter from the product  
21 manufacturer designating such licensee as the primary source of supply in  
22 the United States or the sole source of supply in Nebraska. A separate  
23 letter is required for each primary source.

24 (2) If the primary source of supply in the United States for such  
25 alcoholic liquor changes, the new licensed manufacturer, licensed  
26 wholesaler, or holder of a shipping license importing such alcoholic  
27 liquor shall submit the information required pursuant to subsection (1)  
28 of this section at least thirty days prior to the shipment of such  
29 alcoholic liquor into this state. The licensed manufacturer, licensed  
30 wholesaler, or holder of a shipping license shall also remit to the  
31 commission any applicable fee set by the commission not to exceed thirty

1 dollars.

2 (3) Nothing in this section shall restrict or prohibit the  
3 importation of alcoholic liquor to a Nebraska licensed wholesaler from an  
4 affiliated wholesaler if (a) the report required by this section has  
5 previously been submitted for the alcoholic liquor product being  
6 imported, (b) the report designates the Nebraska licensed wholesaler for  
7 such product, and (c) the product was obtained by the affiliated  
8 wholesaler from the same primary source of supply identified on the  
9 report.

10 (4) The commission shall remit any fees collected pursuant to this  
11 section to the State Treasurer for credit to the Nebraska Liquor Control  
12 Commission Rule and Regulation Cash Fund.

13 (5) The commission may adopt and promulgate rules and regulations to  
14 carry out this section.

15 Sec. 8. Section 53-117.06, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 53-117.06 Any money collected by the commission pursuant to section  
18 53-117.05 or 53-167.02 or section 5 of this act shall be credited to the  
19 Nebraska Liquor Control Commission Rule and Regulation Cash Fund, which  
20 fund is hereby created. The purpose of the fund shall be to cover any  
21 administrative costs, including salary and benefits, incurred by the  
22 commission in producing or distributing the material referred to in such  
23 sections and to defray the costs associated with electronic regulatory  
24 transactions, industry education events, enforcement training, and  
25 equipment for regulatory work. Transfers may be made from the fund to the  
26 General Fund at the direction of the Legislature. Any money in the  
27 Nebraska Liquor Control Commission Rule and Regulation Cash Fund  
28 available for investment shall be invested by the state investment  
29 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
30 State Funds Investment Act.

31 Sec. 13. Original sections 53-103, 53-117.06, 53-123.11, and 53-168,

- 1 Reissue Revised Statutes of Nebraska, and sections 53-101, 53-124.11, and
- 2 53-169, Revised Statutes Cumulative Supplement, 2022, are repealed.