

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 836

Introduced by Lowe, 37.

Read first time January 03, 2024

Committee: General Affairs

1 A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-101, Revised Statutes Supplement, 2023; to provide
3 requirements for retail licensees displaying co-branded alcoholic
4 beverages immediately adjacent to any soft drink, fruit juice,
5 bottled water, candy, or snack food portraying cartoons or youth-
6 oriented images as prescribed; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 53-101, Revised Statutes Supplement, 2023, is
2 amended to read:

3 53-101 Sections 53-101 to 53-1,122 and section 2 of this act shall
4 be known and may be cited as the Nebraska Liquor Control Act.

5 Sec. 2. (1) For purposes of this section:

6 (a) Co-branded alcoholic beverage means an alcoholic liquor beverage
7 containing the same or similar brand name, logo, or packaging as a
8 nonalcoholic beverage;

9 (b) Immediately adjacent means directly touching or immediately
10 bordering one another from above, below, or the side. Immediately
11 adjacent does not include a separate aisle; and

12 (c) Retail sales floor means the part of a retailer's premises that
13 contains goods on display that are freely accessible to the consumer.

14 (2) Except as provided in subsection (4) of this section, the holder
15 of a retail license to sell alcoholic liquor, beer, or wine at retail for
16 consumption off the licensed premises with a retail sales floor that is
17 larger than two thousand five hundred square feet shall not display any
18 co-branded alcoholic beverage immediately adjacent to any soft drink,
19 fruit juice, bottled water, candy, or snack food portraying cartoons or
20 youth-oriented images.

21 (3) Except as provided in subsection (4) of this section, the holder
22 of a retail license to sell alcoholic liquor, beer, or wine at retail for
23 consumption off the licensed premises with a retail sales floor that is
24 two thousand five hundred square feet or smaller shall either:

25 (a) Not place any co-branded alcoholic beverage immediately adjacent
26 to any soft drink, fruit juice, bottled water, candy, or snack food
27 portraying cartoons or youth-oriented images; or

28 (b) Equip any such display containing any co-branded alcoholic
29 beverage immediately adjacent to any soft drink, fruit juice, bottled
30 water, candy, or snack food portraying cartoons or youth-oriented images
31 with signage that indicates the product is an alcoholic beverage. Such

1 signage shall be clearly visible to consumers, not less than eight and
2 one-half by eleven inches in size, and shall contain language
3 substantially similar to: "This product is an alcoholic beverage
4 available only to persons who are twenty-one years of age or older".

5 (4) This section does not apply to a shelf, aisle, display, or
6 display area in which the primary items for sale contain alcoholic liquor
7 or in an area in which persons younger than twenty-one years of age are
8 prohibited from entering without a parent or legal guardian.

9 (5) The commission may cause inspection to be made on the premises
10 of all retail licensees relating to co-branded alcoholic beverage
11 displays, and if it is found that any such licensee is violating this
12 section or any rules and regulations adopted and promulgated by the
13 commission pursuant to this section, the license may be suspended,
14 anceled, or revoked after the licensee is given an opportunity to be
15 heard in the licensee's defense.

16 Sec. 3. Original section 53-101, Revised Statutes Supplement, 2023,
17 is repealed.