



Micro Distillery Information & Guidelines

301 Centennial Mall South
PO Box 95046
Lincoln NE 68509-5046

Phone (402) 471-2571
Fax (402) 471-2814 or 2374
<https://lcc.nebraska.gov>



A license application is available online at:
<https://lcc.nebraska.gov/licensing-forms>

Distilling for personal use is illegal in the State of Nebraska 53-1,100 (2)

“Any person who manufactures spirits at any place within the state without first obtained a valid license to do so under the act shall be guilty of a Class I misdemeanor for a first offense and a Class IV felony for a second or subsequent offense.”

To legally produce spirits in Nebraska you must have a valid Nebraska Micro Distillery License and be licensed by the US Department of Treasury – Alcohol and Tobacco Tax and Trade Bureau (TTB) as a DSP. For more information on TTB, their Web Site is <https://www.ttb.gov/>

*Please review closely trade practice regulations Chapter 6, 016.

*Production Records are vital. Source documents must be retained. Batch/distilling sheets must be sequentially numbered & preprinted and ending quantities identified.

*Base ingredient invoices must be retained.

The information provided is for informational purposes only. Please consult the Nebraska Liquor Control Act Statutes and Rules and Regulations or call or write the Commission for interpretation and/or confirmation.

<https://lcc.nebraska.gov>

The Nebraska Liquor Control Commission encourages compliance of all regulations and encourages reporting of fraud, waste or abuse. Please submit complaints or tips online: <https://lcc.nebraska.gov/contact-us>
This link can be used for all questions and requests to the Nebraska Liquor Control Commission.

Form 35-7145, 47, 50, 55, 56
Rev 6/18

Micro Distillery License

- Microdistillery defined; max 100,000 gallons 53-103.22
- Microdistillery, rights of licensee 53-123.16
- Change of operating trade name notification within 30 days. (LCC 2.008.01)
- License year: May 1 - April 30. (53-124)
If Class C, Nov 1 – Oct 31
- Annual license fees: Micro Distillery-\$250 (Z) 53-124.01
- Limitations 53-169; 53-171
- License to be framed and hung in plain view on the licensed premise. (53-148)
- Transfer of corporate stock of more than 25% shall be reported. (LCC 3.002.04)
- Bond requirements 53-164.01 (6)
- Duties & other 53-132; 53-129; 53-131; 53-133; 53-134
- Ready-to-drink cocktail, defined 53-103.49
- Farmers Market 53-103.48; 53-124.16; 53-124.17
- Satellite Locations Permitted up to 5 separate locations 53-123.16

Monthly Tax Filings

- Reports and taxes due the 25th of each month 53-164.01 thru 53-165; accurate & complete records are required
- Gallons reported for tax 53-160
Spirits - \$3.75 per gallon (liquid gallon)
- Discounts and Penalties. 53-164.01(3), 53-164.01(4)
- Non Taxable Sales:
Sales made out-of-state 53-161
- All samples of spirits, wine, beer are taxable. LCC 6.002, 53-123.02

Wholesale/Retail Prohibited Interest

- Shall not pay for any license to sell alcoholic liquor at retail or advance, furnish, lend or give money for payment of such license. 53-169 (includes out-of-state suppliers/shipping licenses)
- Shall not purchase or become the owner of any note, mortgage or other evidence or indebtedness of such licensee or any form of security. 53-169
- Shall not be interested in the ownership, conduct, or operation of the business of any licensee authorized to sell alcoholic liquor at retail. 53-169
- Shall not be interested directly or indirectly, or as owner, part owner, lessee, or lessor thereof, in any premises upon which alcoholic liquor is sold at retail. 53-169
- Contract between wholesaler and retailer to sell only certain brands is illegal. 53-185

Prohibited Acts

- Extending credit on spirits and wine, not to exceed 30 days. 53-168(1), LCC 6.018.01
- Delivery to unauthorized person prohibited. 53-176
- Storing spirits, wine and beer off licensed premise. 53-123.02 & 53-123.03
- Receiving money, credit, discounts, rebates or other inducement; unlawful acts, penalty. Receiving anything of value. 53-168, LCC6-018

Reports and Records

- Submission of reports. 53-164.01 & 53-165
- Retention of records and reports must be retained for a period of three (3) years. LCC 7.002.01

Terms Defined (53-103)

Spirits – shall mean any beverage which contains alcohol obtained by distillation...
Wine – shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables...
Beer – shall mean a beverage obtained by alcoholic fermentation of an infusion or other grain, malt and hops...
Near Beer – shall mean beer containing less than one-half of one percent of alcohol by volume...
Brand – shall mean alcoholic liquors which are identified as the product of a specific manufacturer.
Franchise or agreement – shall mean relationship between manufacturer and wholesaler...
Private label – shall mean protected use by wholesaler...
Generic label – shall mean not protected by a registered trademark...
Micro Distillery – distillery located in Nebraska licensed to distill liquor 10,000 gallons or fewer.

Things to Remember

- Dock sales: signature required of retailer or retailers agent. LCC 6.012.01
- Advertisement and signs: LCC 6-001
- All alcoholic beverages must pass through wholesale licensed premise. LCC 6.010
- Spirit/wine products: must be paid within 30 days. 53-168
- Sales invoices must be signed 53-165
- Micro Distilleries may apply for SDL 53-124.11 & may apply for Catering endorsement 53-124.12
- Only one license; cannot wholesale 53-171
- Acceptable forms of payment from retailers. LLC6-015
- Production Records are vital. Source documents must be retained. Batch sheets must be sequentially numbered (preprinted) and be identified when bottling.
- Base ingredient invoices must be retained.
- Sales to a person in a motor vehicle 53-178.01(2)(a)