

Position of the Commission Regarding Donating Product:

Manufacturers, Nebraska craft brewers, Nebraska farm wineries, Nebraska micro distilleries and beer distributors shall not donate product directly to a retailer or SDL holder unless the SDL is specifically in the name of a non-profit organization per §53-124.11.

Instead, donations by manufacturers, Nebraska craft brewers, Nebraska farm wineries, Nebraska micro distilleries, and beer distributors shall be in monetary form and contributed directly to the non-licensee entity seeking contribution.

The non-licensee may then go purchase product from the donated funds received by the donating party.

If the SDL is in the name of the nonprofit organization (as defined in §53-124.11) then product may be donated directly to the SDL/nonprofit organization.

Other Facts Regarding SDL's:

- Wholesalers/distributors or businesses that are for profit are not eligible to apply for SDLs. Only retail liquor license holders or nonprofit organizations which have been exempted from the payment of federal income taxes. Nonprofit organizations must provide their TIN on the SDL application.
- SDL applications are not accepted from any entities located outside of Nebraska.
- All out of state alcoholic products shall flow through the three-tiered system for all SDL events.
- More than one SDL can be issued for an event. It is recommended by the Commission that all parties receiving profit would apply for the SDL; all holders of SDL are liable for violation(s) that may occur during the event. Statute 53-124.13 (5): Only the holder of the SDL license or employees of such licensee may dispense alcoholic liquor at the event.
- More than one SDL may be issued at an event; all holders of SDL are liable for any violation that may occur during that event. Permanent liquor license holders allowing an issuance of an SDL at their licensed premises are ultimately responsible and continue to share liability for any violation that may occur during that event. Permanent liquor license holders have the right to decline others to hold events via SDL's at their licensed premises.
- Nebraska manufacturers, Nebraska craft brewers, Nebraska farm wineries and beer wholesalers/distributors shall not donate product directly to a retailer or SDL unless the SDL holder is specifically a nonprofit/charitable organization. Instead of beer or product donation, it is the Commission's preference to donate in the form of a monetary check directly to the non-licensee entity seeking contribution (i.e. nonprofit/charitable organization). The nonprofit/charitable organization may then go purchase product with the donated funds.

- Exemptions must be utilized in order to receive product for the event from other than a wholesaler.
- A shipper may donate alcohol: however, a Nebraska shipping license is required and product must pass through a Nebraska wholesaler. All excise taxes shall be paid.
- Any leftover alcohol from a SDL event may be returned to the wholesaler as a part of receiving an SDL. Delivery and return of alcoholic beverages must be made within seven (7) days prior and subsequent to the date of the event.
- If there is Sampling/Tasting Only at a location that is licensed, no SDL is required. However, *if there will be selling of the product, the appropriate class of license is required OR a SDL.*
- Only the holder of the SDL or employees may dispense alcoholic liquor at the event.