

## GUIDANCE DOCUMENT

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

This guidance document may change with updated information or added examples. The Commission recommends you check this document for the most up to date questions.

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## Information for Home Brewers

Nebraska Statute 53-168.06 has been amended due to the passage of LB235.

*53-168.06 No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in the Nebraska Liquor Control Act. Nothing in the act shall prevent: (1) The possession of alcoholic liquor legally obtained as provided in the act for the personal use of the possessor and his or her family and guests; (2) The making, transport, and delivery of wine, cider, beer, mead, perry, or other alcoholic liquor by a person from fruits, vegetables, honey, or grains, or the product thereof, by simple fermentation and without distillation, (a) if made solely for the use of the maker and his or her family and guests if such alcoholic liquor is not sold or offered for sale, or (b) if made without a permit for an exhibition, festival, or tasting competition, including exhibitions, festivals, or tasting competitions that are for nonprofit organizations such as fundraising events, legally conducted under the act, if such alcoholic liquor is not sold or offered for sale. Alcoholic liquor served pursuant to this subdivision (b) shall clearly be identified as alcoholic liquor that was manufactured under an exception to the rules and regulations of the commission by signage, and the location of the manufacturer shall be available upon request. Free or reduced admission to the exhibition, festival, or tasting competition shall not be considered a sale of the alcoholic liquor; ...*

If following the guidelines as outlined above, no Special Designated License (SDL) is required. The signage as outline above is the responsibility of the Home Brewer.

An acceptable disclaimer: Beverages served from this table were not produced using a licensed commercial facility and is considered “homebrew” and is manufactured under an exception to the rules and regulations of the Liquor Control Commission.

If the exhibition, festival, or tasting competition is hosted by a permanent liquor license holder, no SDL would be required due to 53-175 allowing for exemptions (outlined in 53-168.06) to be on the licensed retail premises. Please remember to remove all home brewed product from the premises immediately after the event, exhibition, tasting competition or festival regardless of location.

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## Frequently Asked Questions

### LB235 Questions

**Q:** When does LB235 become law?

**A:** LB235 revises Nebraska State Statute 53-168.06 and goes into effect 8/29/19.

**Q:** What is the position of the Commission regarding home brew donated at festivals, exhibitions and tasting competitions?

**A:** This is allowed per §53-168.06 provided it is not sold or offered for sale.

**Q:** Can a home brewer participate in a brewer's competition?

**A:** Yes per §53-168.06

**Q:** Is there a limit to how much beer can be allowed for tastings or sampling?

**A:** Federal regulation 25.205 indicates 200 gallons per calendar year if there are two or more adults residing in the household, or 100 gallons per calendar year if there is only one adult residing in the household. Any adult is any individual who is 21 years of age or older. All rules and statutes apply for over service, serving to minors, etc.

**Q:** Can I charge for my beer?

**A:** No per §53-168.06. You must be licensed in order to receive profits from the sale of alcohol. (§53-1,100)

**Q:** Can there be free will donations?

**A:** No, this is considered soliciting monetary compensation and is considered selling product.

**Q:** Who is responsible for signs noted in the statute?

**A:** The home brewer is responsible for all signs.

**Q:** Can a home brewer be recognized as a brewery or brewery-in-process?

**A:** No, home brewers are just that, home brewers. They can be recognized as belonging to a home brewers club, but must be labeled as a home brewer.

**Q:** Can the signs the home brewers provide noting they are home brewers be the same?

**A:** Yes! If all home brewers have the same signs with the same info and it has been approved by the NLCC, this is ok and encouraged.

**Q:** Does the location of where the product was made need to be available?

**A:** Yes, the location of where the beer was made needs to be available upon request. Upon request the NLCC must be able to see documentation. Keep information on file. It does not have to be on hand at the event.

## Homebrewing Competitions

**Q:** Should competitions or exhibitions have the home brewer's information?

**A:** Yes, locations holding an event should have contact information of the home brewers.

**Q:** Can a home brewer transport into and out of the state for competitions?

**A:** Yes and maybe. Nebraska law allows the transport into Nebraska homebrew from outside the state for competitions. If you wish to transport homebrew into another state, you need to contact the state liquor authority in that state to make sure you are in compliance. Please remember to abide by the federal production limits as well.

**Q:** Can there be prizes given for competitions? Would the prize be considered selling product?

**A:** There can be prizes for competitions. Accepting/Receiving a prize for a competition would not be considered selling your home brewed product.

## General Homebrew Questions

**Q:** Is home brewed beer subject to excise tax?

**A:** No, home brewed beer is not for sale and therefore not subject to excise tax in Nebraska.

**Q:** Do out of state home brewers need to follow the Nebraska guidelines and statutes?

**A:** Yes, all home brewers, in state and out of state must follow the statutes and guidelines while in Nebraska.

**Q:** Should home brewers add tags and/or labels on the container when transporting/serving noting home brewed product and the destination?

**A:** This is recommended as a standardization for home brewers.

**Q:** Can home brewers go to a licensed craft brewers premise and hold meetings and bring product?

**A:** As long as the craft brewery has approved and home brew product is kept separate from the product at the licensed premise and out of the brewery's production area.

**Q:** Are there stipulations on where in a licensed brewery a home brewer can bring their product?

**A:** Yes, do not bring home brewed product into the production area. Home brewed product should be kept in the public areas outlined at the brewery.

**Q:** Can I refuse someone beer?

**A:** Yes, if you think they are underage or are visibly intoxicated, do not serve them. Check ID's and event bands. If in doubt, do not serve.

**Q:** Should I include ABV's on the beer signs?

**A:** This is a great idea! While not required, it is recommended for public knowledge.

**Q:** Are Non-Profit home brewers groups allowed to fundraise when using an SDL?

**A:** Yes, as long as the individual home brewer is not selling beer or receiving profits in any way. However, homebrew is not permitted to be sold, so fundraising cannot be through the sale of the homebrew.

**Q:** How much can a home brewer produce per year in Nebraska?

**A:** Home brewers are limited by Federal regulation to 100 gallons per calendar year in a single adult household, or 200 gallons per year if there is more than one adult in the household.

Any other additional questions regarding home brewing should be directed to the  
Nebraska Liquor Control Commission – email: [icc.frontdesk@nebraska.gov](mailto:icc.frontdesk@nebraska.gov) or call (402) 471-2571