Special Designated License (SDL) Guidelines

Application for SDL may be found at this
link: https://lcc.nebraska.gov/sites/lcc.nebraska.gov/files/108%20REV%20JAN%202016.pdf

SDL must be applied for at all events where alcohol is being consumed even for tastings; except for:

> ***53-186. Consumption of liquor on public property; forbidden; exceptions; license authorized.*** *(1) Except as provided in subsection (2) of this section or section 60-6,211.08, it shall be unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.*
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> *(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act.*

Wholesalers/distributors or business that are for profit are not eligible to apply for SDLs; only retailers or nonprofit organizations.

Nonprofit organizations must be registered with the IRS as tax exempt; must provide number on SDL application.

SDL applications are not accepted from any outstate entity.

No out of state alcoholic products shall be brought into Nebraska for events such as Brew or Wine Festivals.

May hold more than one SDL at event; all holders of SDL are liable for any violation that may occur during that event.

Event where farm wineries are setting up booths; only one SDL is required if tasting only; if wineries are to be selling their product they must obtain their own SDL; or they sell their product to the holder of the SDL for sale.

Pre-sale to SDL holder only; may not sell as product is being requested by the wineries.

Retailers that hold events for non-profit organizations that received donated alcohol must have some type of invoice showing the transfer of this product. This invoice can be for zero dollars.

If the non-profit organization has received the product from a retailer, an SDL must be submitted. The exemption on this SDL license would allow the purchase of product from a retailer.

Wholesalers may donate alcohol to SDL event; wholesalers must create invoice showing zero dollars.

Shipper may donate alcohol; must show invoice through licensed wholesaler.

Instate home brew can be taken to a tasting event with SDL; must exempt §53-175 direct shipment.

Any leftover alcohol from a SDL event may be returned to the wholesaler; must ask for exemption §53-168/169 return of alcohol or may be taken home for own personal use.

If a winery is giving out samples; 1 oz. or less, to consumers they do not need an SDL. This would be acceptable for locations that have a liquor license. However, if they wish to sell a bottle of their wine they MUST obtain their own liquor license (SDL).

## 2-013-SPECIAL DESIGNATED LICENSES

*013.01 Except as provided for in 013.04* ***all applications for a special designated license, with local governing body approval, and proper fees, must be received by the Commission at least ten working days prior to the event****. Such notice is required to enable a reasonable notification to the Nebraska State Patrol, local law enforcement, the fire marshal, and the sanitation division of the Department of Agriculture. Applications not received at least ten working days prior to the event will not be processed.*

*013.02 In connection with each event, the applicant must provide a written showing of estimated size of the crowd and how it intends to assure that alcohol will not be served to minors and intoxicated persons.*

*013.03 Each of the following conditions, unless waived or modified as herein provided,* ***shall apply to all Special Designated Liquor Licenses issued to organizations that do not hold a valid retail or caterer's liquor license.***

*013.03A Events attended by more than 150 people that include minors unaccompanied by a parent (excluding minors acting as service personnel and minors attending as program or entertainment participants) shall conduct age checking at the entrance to the licensed area and all adults shall be identified with wrist bands that are destroyed by removal.*

*013.03B At events attended by more than 150 people which do not involve a sit down meal served to all attendees simultaneously there shall be a minimum of one security person for attendees up to 200 and one more security person for each 200 additional. Security personnel whether paid or volunteer shall have no duties other than maintaining order and enforcing all liquor laws and license conditions including prohibiting minors and intoxicated attendees from consuming or possessing alcohol. All security personnel shall be dressed in distinctive clothing with visual markings identifying them as security personnel.*

*013.03C The individual designated on the license as the event supervisor shall be in the licensed area at all times alcohol is being served and the immediate post clean up period. If the event supervisor is to be absent from the licensed premise during any part of the designated period, the event supervisor must designate a person to be in charge in his/her absence.*

*013.03D All workers performing duties for the sponsoring organization at the licensed event whether paid or volunteers shall refrain from consuming alcohol while on duty during the event and any immediate post event clean up period.*

*013.03E If minors are in attendance at events of more than 150 people (Excluding minors attending as service personnel and minors attending as program or entertainment participants) alcoholic drinks shall be served in distinctively different containers than those in which non-alcoholic drinks are served.*

*013.03F At outdoor events attended by more than 150 people where non- attendees have access to property adjacent to any portion of the licensed area all open areas (defined below) with the exception of a reasonably sized access and exit aisle shall have double row fencing with plastic or wood snow fence materials (or equal). The two rows of fence shall be at least 4 feet apart with clear space between the two rows of fence. Open areas are all portions of the licensed area which adjoin areas that can be used or occupied by non-attendees where there is not a solid wall*

*or chain link fence at least 6 feet in height. Except for people entering and exiting the licensed area all attendees shall remain inside the interior row of fencing.*

*013.03G Any condition may be waived or modified by the Liquor Control Commission upon a showing by the applicant that such condition is not necessary for the promotion of the health, safety and welfare of the people of the state.*

*013.04 Applications for Special Designated Liquor Licenses by non-licensees requesting a waiver or modification of conditions along with the reasons and justification for such* ***waiver or modification must be received by the Liquor Control Commission at least 30 calendar days prior to the licensed event.*** *When no waiver or modification is required the commission must receive Special Designated Liquor License applications at least 10 working days prior to the licensed event.*

*013.05 All Special Designated Liquor Licenses issued to organizations that do not hold a valid retail or caterer's liquor license will list all the applicable conditions that are a part of that license.*

*013.06 It is the declared policy of the Commission that Special Designated Licenses should not be used to avoid the oversight and accountability imposed upon a regular retail license. Therefore, applications for Special Designated Licenses may be denied if the proposed location could otherwise be granted a regular license and if such regular license best serves the purposes of the Liquor Control Act. To help accomplish this policy any location that has received twelve (12) Special Designated Licenses in one calendar year shall have any further applications set for hearing to make a determination whether additional licenses are justified prior to the issuance of the requested Special Designated License.*

***6-019.01W-SPECIAL DESIGNATED PERMIT/DELIVERY AND RETURN OF ALCOHOLIC BEVERAGES.***

*019.01W1 Delivery and return of alcoholic beverages must be made within seven (7) days prior and subsequent to the date of the event.*

*019.01W2 if storage is to be off the licensed premises, written request must be made to and written approval received from the Commission covering the location and dates of the storage.*

*019.01W3 after the completion of the event for which a special designated permit is obtained, the permittee may remove open containers of alcoholic liquor from the premise. A licensee with a catering permit may store open containers of alcoholic liquor used for catered events provided the alcoholic liquor is stored in a separate and secure area of the licensed premise.*