

Frequently Asked Questions about Special Designated Licenses (SDLs) from Nebraska Farm Wineries

The difference between a tasting and sampling:

Chapter 6-002.02 Tasting

002.02A Representatives of manufacturers, wholesalers, brewpubs and farm wineries may dispense limited quantities of beer, wine or spirits (that has been invoiced to retailers) to customers on a retail premises licensed for on premises consumption.

002.02B Conditions

002.02B1 representatives of manufacturers, wholesalers, brewpubs and farm wineries shall not sell beer, wine or spirits directly to a consumer,

002.02B2 tasting samples shall be for the express purpose of allowing customers to determine the grade, type and quality of alcoholic beverages,

002.02B3 tasting shall be exempt from the multiple drinks rule (6- 019.01U).

Chapter 6-002.01 Sampling

002.01A Retailers and their employees may sample limited quantities of beer, wine or spirits furnished or dispensed by a manufacturer or wholesaler whether the license permits consumption on or off the licensed premises. (53-123.02)

002.01B Conditions

002.01B1 sampling may also be done on the premises of a licensed wholesaler by a licensed retailer (53-123.02, 53-123.03),

002.01B2 consumption shall not exceed more than five samples of one fluid ounce or less of alcoholic liquor by the same person in a twenty-four hour period [53-103(37)],

002.01B3 no samples may be given unless all taxes, including the Nebraska Excise Tax, have been paid,

002.01B4 no samples should be shipped or brought into the State of Nebraska except directly to the Nebraska Wholesalers.

Local jurisdictions may also have their own requirements that must be followed, check with the Village, City or County Clerk's office where the event is to be held.

Tasting size is expected to be no more than five samples of one fluid ounce or less.

The following questions have arisen about the need for (SDLs) by Farm Wineries for tasting events.

As a Farm Winery, when does Nebraska Liquor Control Commission (NLCC) require me to get a SDL to attend a tasting event?

If you are doing a tasting OUTSIDE of your tasting room you will need a SDL.

If I am doing a tasting at an event, but not selling the wine from my booth, do I need a SDL?

Yes. If you are doing the tasting from the booth and you, the Farm Winery, are doing the pouring, you must get a SDL.

If I am not selling the wine is an SDL required?

Yes. Regardless of you selling wine in the booth or not, if there is tastings in the booth and you or your winery staff is pouring, there must be a SDL.

If I am asked to do a tasting at a grocery store or venue that has a class C license, do I need a SDL?

No. If there is a tasting only, you as a Farm Winery need not get a SDL.

53-1,105. Sufficiency of charge of violation; sufficiency of proof.

In any indictment, information, affidavit, or complaint charging the violation of any of the provisions of the Nebraska Liquor Control Act, it shall be sufficient to charge that the accused unlawfully manufactured, sold, offered for sale, kept for sale, delivered, or otherwise unlawfully disposed of alcoholic liquor without any further or more specific description of such liquor, and proof of any kind of alcoholic liquor unlawfully manufactured, sold, offered for sale, kept for sale, delivered, or otherwise unlawfully disposed of shall be sufficient proof as to the character or kind of alcoholic liquor.

What if the grocery store/licensed retailer does the pouring, do I need a SDL?

No. You can invoice the store/licensed retailer for the wine, with zero dollars, the grocery store staff would need to do the pouring. You as a Farm Winery may be present to pour and promote/educate about the product, as an agent for the retailer.

For events like the Kearney Jazz and Wine; Omaha Balloon and Wine Festival, can I do tastings without a SDL?

No. If you and your winery staff are doing a festival and they are giving out tastings in your booth, tent or table, you must have a SDL OR a venue staff must do the pouring.

If the event coordinating is receiving portions of the profit from sales of alcohol they also must have a SDL. *Neb. Rev. Stat. §53-103.33*

If there is a county fair tasting, do I need a SDL for Farm Winery staff to pour wine at the event?

The individual "booths" for each winery needs a SDL in order to do the tasting OR venue/fair staff needs to be doing the actual pouring.

If I am doing a private tasting event in a private home, would I need a SDL to do the tasting?

No. If it's private event (no public invites, no social media invites) and you do not charge for the tasting and there is nothing sold, you do not need a SDL.

In the past, I didn't get a SDL for a tasting event. What law has changed?

No law was changed.

If I am asked to deliver a bottle of wine, is this allowed?

Yes.

Chapter 6-019.01P No retail licensee may deliver alcoholic liquor to a consumer, except:

019.01P1 A holder of a special designated license or a caterer's license used in conjunction with a special designated license may deliver to the licensed location or to a location expressly authorized by the Commission in writing pursuant to Chapter 4 of the Rules and Regulations of the Commission.

019.01P2 A retail licensee and a holder of a shipping license may deliver or cause to be delivered by its agent, delivery service or common carrier to a consumer alcoholic beverages provided that the consumer has paid the licensee for the alcoholic liquors prior to delivery by cash, credit or debit card, and that the licensee has verified that the sale has not been made to a minor, nor that delivery will be made to a minor. Any package to be delivered by a delivery service or common carrier for the holder of a shipping license shall have a label stating "adult signature required" measuring at least three by five inches in size placed on the package by the licensee.

019.01P3 The retail licensee or holder of a shipping license is responsible for any violations of the Nebraska Liquor Control Act and/or the Rules and Regulations of the Nebraska Liquor Control Commission which occur as a result of the delivery of alcoholic liquors, including, but not limited to, sales to minors.

019.01P4 The driver for the agent must be 21 years of age.

If an event has more than one SDL holder, who would be liable for a violation that may occur?

All SDL holders may be liable for the violation.

May I donate wine to an event?

Yes. However, you must create an invoice for zero dollars.

Chapter 6-019.01W3 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.

NOTE: If you're asked to do an event that is questionable NLCC's position is to require a SDL.