

Special Designated Licenses Information

Breweries

Definition Tasting

Chapter 6-002.02

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).

Tasting size is not identified in Nebraska regulations. Tastings are in “limited quantities.”
(5 fluid ounces or less is allowable)

Definition Sampling

Chapter 6-002.01

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.

Commonly asked Questions & Answers by Breweries:

When will a brewery be required to apply for a Special Designated License at a tasting?

- If the event is not a “tasting” as defined by the rules and regulations **Chapter 6-002.02** listed above.
- If there is no underlying retail license or Special Designated License at the location of the tasting, you would need to apply for a Special Designated License.
- Anytime there would be an exchange of money. (Receiving profits of the event, taking orders, or selling of product)

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

****Please keep in mind, local jurisdictions may also have their own requirements that must be followed. Please check with the local governing body where the event is to be held.***

What if a grocery store/licensed retailer does the pouring for an event at a licensed location, does a brewery need a Special Designated License?

No, although all beer released from the brewery must be invoiced. The licensed grocery store/retail staff would need to do the pouring. You as a Brewery may be present to promote and educate the public about the product only as an agent for the retailer.

For an event that has more than one Special Designated License, who would be liable for any violations?

All SDL holders may be liable for violations involving alcohol.

Can a brewery donate product to a retail liquor license holder or non-profit organization?

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.

Can a brewery sell growlers at an event that has a Special Designated license?

Class C License holders with Growler endorsements (Limited Bottling Endorsement) **are not** eligible to include Growlers/Crowlers when applying for SDL's. Reference of 53-134.01 (1)

Class L License holders applying for SDL's **are** eligible to include Growlers/Crowlers. Reference 53-123.14 & 53-172 Original packages

How is product transported from the brewery for a tasting event?

All product released from a brewery must be invoiced. Invoice must indicate quantity being released. All product being sold or provided to a retail licensee (includes SDL licenses) must go through a Nebraska wholesaler. The only exception would be if there is an exemption of Nebraska Statute 53-175 on the SDL or if the brewery was performing a tasting as defined by the rules and regulations of NLCC Chapter 6-002.02.