

Special Designated Licenses Information

Nebraska Farm Wineries

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).

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 Farm Wineries:

When will a farm winery 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

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

No. There should be an invoice created for the event. The licensed grocery store/retail staff would need to do the pouring. You as a Farm Winery may be present to promote and educate the public about the product only as an agent for the retailer.

For events like the Kearney Jazz and Wine or Omaha Balloon and Wine Festival, can a winery have tastings without a Special Designated License?

If you would be receiving any profit of this event by selling product, taking orders, or taking any proceeds of the event, a license would be required.

If this is a “tasting” defined by the rules and regulations with no profits, selling of product, no orders placed and is at a location that has a license for the event, a license may not be required.

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

Yes. The rule below must strictly be followed.

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 or 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.

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 farm winery donate wine 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.