Pete Ricketts
Governor

STATE OF NEBRASKA
NEBRASKA LIQUOR CONTROL COMMISSION
Hobert B. Rupe
Executive Director
301 Centennial Mall South
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814 or (402) 471-2374
TRS USER 800 833-7352 (TTY)
web address: https://lcc.nebraska.gov

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Industry Advisory- Retail Operations
Nebraska Liquor Control Commission

This advisory is temporary in nature and specific to those in the Liquor industry in Nebraska.

The following are Rule and Statutory provisions that the Nebraska Liquor Control Commission is modifying during the pendency of this crisis.

In response to the ongoing disruption caused by the COVID-19 emergency, the NLCC will be modifying its operations. The NLCC is also offering additional answers in regards to Governor Ricketts Executive Orders No. 20-03 and 20-06.

1. NLCC issued an industry advisory dated 3/13/20 to waive the requirement that Nebraska wholesalers receive a signature from the retailer upon the delivery of alcoholic product due to the possibility of cross contamination. This requirement is waived for the duration of the outbreak of COVID-19. Signatures requirements remain in effect for Bills of Lading and return of product due to excise tax implications. In addition, NLCC is waiving the requirement of a delivery service (or retailer) to acquire the consumer's signature per LCC's rule, Chapter 6, 019.01P when delivering alcoholic beverages for the duration of the outbreak of COVID-19.

2. Non-Class C licensees still need to be renewed on or before April 30, 2020. (http://lcc.nebraska.gov, use the red Renew button). As allowed by statute those licenses may be renewed by May 31, 2020. The Commission will not be citing any licensee for late renewal so long as they are not in operation. Any license seeking renewal after 6/1/2020 will need to file a new application. Once renewed the local governing body is allowed to hold the license until the licensee chooses to pick up the license and renew operations.

3. NLCC's rule requiring continuous operations by a retail liquor holder will be waived for the duration of the outbreak of COVID-19. (LCC, Chapter 6, 020.03)

4. Clubs holding a Class C license per 53-183 (2) may charge their members in the existing scope of business rather than the required prepayment required by the delivery rule for the duration of the outbreak of COVID-19. (Example: A country club may start alcohol beverage delivery and charge the account of the member instead of requiring payment up front prior to the delivery.)

Janice M. Wiebusch
Commissioner

Bruce Bailey
Chairman

Harry A. Hoch
Commissioner

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5. Governor Rickets issued Executive Order 20-06, which allows Class A and Class I Retail Liquor Licenses to sell off-sale and deliver alcoholic beverages during the crisis. Neb. Rev. Stat. 53-124 (6). The Executive Order 20-06 allows Class A licenses the same off sale privileges a Class B licensee enjoys. The same Order allows a Class I licensee the off sale privileges of a Class C licensee. ALL deliveries of product must comply with the Delivery Rule (as modified by this advisory) found at Chapter 6-019.01P of the Rules and Regulations of the Commission.

Industry Reminder of NLCC's delivery rule is as follows:
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 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.
A reminder that the delivery of alcoholic beverages must be in original package containers packaged by the original manufacturer of the product. Neb. Rev. Stat. 53-172. Therefore, no cocktail poured into a to-go cup is allowed for off-sale. Beer and Ready-to-drink cocktails purchased via a Nebraska wholesaler in an original package container is allowed to be sold off-sale.

6. Executive Order 20-06 waives the statute prohibiting sale or delivery to a person in a motor vehicle. (Neb. Rev. Stat. 53-178.01). This allows drive-thru sales and curb side pickup without the driver needing to exit the vehicle. Please note that other provisions such as selling to an intoxicated person or a minor still apply. Please govern yourself accordingly.

7. Executive Order 20-06 extends the time for Temporary Operating Permits (TOPs). TOP's may now be for a period of up to 180 days. If a licensee, who currently holds a TOP and reaches the statutory 90 days limit and the license is not ready to be issue and additional 90 days will be added to the time frame.

Thank you,

Hobert Rupe
Executive Director
Nebraska Liquor Control Commission