

**State Report**

**Nebraska**

This document is excerpted from:

**The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking**



## **Nebraska**

### **State Profile and Underage Drinking Facts\***

**State Population: 1,855,525**  
**Population Ages 12–20: 231,000**

	<b>Percentage</b>	<b>Number</b>
<b>Ages 12–20</b>		
Past-Month Alcohol Use	24.6	57,000
Past-Month Binge Alcohol Use	17.1	39,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	3.3	2,000
Past-Month Binge Alcohol Use	1.9	1,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	19.5	14,000
Past-Month Binge Alcohol Use	12.3	9,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	46.8	40,000
Past-Month Binge Alcohol Use	33.8	29,000
<b>Alcohol-Attributable Deaths (under 21)</b>		26
<b>Years of Potential Life Lost (under 21)</b>		1,567
	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	30.0	12

\* See Appendix C for data sources.

## Laws Addressing Minors in Possession of Alcohol

### Underage Possession of Alcohol

Possession is prohibited with the following exception(s):

- Parent/guardian's home

*Note:* Nebraska makes an exception for persons who are at least 16 years old to carry alcohol from licensed establishments when they are accompanied by any person who is not a minor.

### Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s):

- Parent/guardian's home

### Internal Possession by Minors

Internal possession is not explicitly prohibited.

*Note:* Although Nebraska does not prohibit Internal Possession as defined by this report, it provides that “no minor may...consume, or have in his or her possession or physical control any alcoholic liquor.” “Consume” is defined as “knowingly and intentionally drinking or otherwise ingesting alcoholic liquor.” Laws that prohibit minors from having alcohol in their bodies, but do so without reference to a blood, breath, or urine test, are not considered as prohibiting Internal Possession for purposes of this report.

### Underage Purchase of Alcohol

Purchase is prohibited, but youth may purchase for law enforcement purposes.

### False Identification for Obtaining Alcohol

#### *Provision(s) targeting minors*

- Use of a false ID to obtain alcohol is a criminal offense.
- No driver's license suspension procedure.

#### *Provision(s) targeting suppliers*

- It is a criminal offense to manufacture or distribute a false ID.

#### *Provision(s) targeting retailers*

- State provides incentives to retailers that use electronic scanners that read birthdate and other information digitally encoded on valid identification cards.
- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

## Laws Targeting Underage Drinking and Driving

### BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

## Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Use/lose penalties apply to minors under age 18.

### *Type(s) of violation leading to driver’s license suspension, revocation, or denial*

- Underage possession
- Underage consumption

### *Authority to impose driver’s license sanction*

- Discretionary

### *Length of suspension/revocation*

- 30 days

## Graduated Driver’s License

### *Learner stage*

- Minimum entry age: 15
- Minimum learner stage period: 6 months
- No minimum supervised driving requirement—with driver education; 50 hours without (of which 10 must be at night)

### *Intermediate stage*

- Minimum age: 16
- Unsupervised night driving
  - Prohibited after: 12 a.m.
  - No primary enforcement of the night-driving rule
- Passenger restrictions exist: No more than one passenger under 19 who is not an immediate family member
  - No primary enforcement of the passenger-restriction rule

### *License stage*

- Minimum age to lift restrictions: 17—passenger restrictions expire 6 months after issuance of intermediate license; unsupervised night-driving restrictions remain until age 17.

## Laws Targeting Alcohol Suppliers

### **Furnishing of Alcohol to Minors**

Furnishing is prohibited—no explicit exceptions noted in the law.

### **Compliance Check Protocols**

#### *Age of decoy*

- Minimum: Not specified
- Maximum: 20

#### *Appearance requirements*

- No alteration to the normal dress and/or appearance. Hats or caps shall not be pulled down over eyes.

#### *ID possession*

- Required

***Verbal exaggeration of age***

- Permitted

***Decoy training***

- Not specified

**Penalty Guidelines for Sales to Minors**

- Time period/conditions: 4 years
- First offense: \$500–\$1,000 fine
- Second offense: 2-day license suspension and \$2,000 fine
- Third offense: 5-day license suspension and \$2,000 fine
- Fourth offense: License revocation

*Note:* Retailer has option to take additional suspension days in lieu of fines (\$50/suspension day for first offense; \$100/suspension day for repeat offenses). First- and second-offense penalties are reduced if person making sale has received RBS training. Penalties are more severe if second or third offense occurs in shorter time period.

**Responsible Beverage Service**

***Voluntary beverage service training***

- The law does not specify on- or off-sale establishments.
- The law does not specify new or existing outlets.

**Minimum Ages for Off-Premises Sellers**

- Beer: 19
- Wine: 19
- Spirits: 19

**Minimum Ages for On-Premises Sellers**

- Beer: 19 for both servers and bartenders
- Wine: 19 for both servers and bartenders
- Spirits: 19 for both servers and bartenders

**Distance Limitations for New Alcohol Outlets near Universities and Schools**

***Colleges and universities***

- No distance limitation

***Primary and secondary schools***

- Prohibitions against outlet siting:
  - Off-premises outlets: Yes—within 150 feet
  - On-premises outlets: Yes—within 150 feet
  - Alcohol products: Beer, wine, spirits

*Note:* Although Nebraska law states a 300-foot limit, the commission may waive it. If outlet is surrounded by or adjacent on two sides to university/college, then university/college must approve.

### **Dram Shop Liability**

Statutory liability exists.

*Note:* Injury or property damage must be a proximate result of the negligence of an intoxicated minor.

### **Social Host Liability Laws**

Statutory liability exists.

*Note:* Injury or property damage must be a proximate result of the negligence of an intoxicated minor.

### **Host Party Laws**

No state-imposed liability for hosting underage drinking parties

### **Retailer Interstate Shipments of Alcohol**

No prohibitions on retailer interstate shipments

### **Direct Sales/Shipments of Alcohol by Producers**

Direct sales/shipments from producers to consumers are permitted for beer, wine, and distilled spirits with the following restrictions:

#### ***Age verification requirements***

- Producer must verify age of purchaser.

#### ***State approval/permit requirements***

- Producer/shipper must obtain state permit.

***Reporting requirements:*** None

***Shipping label statement requirements:*** None

### **Keg Registration**

- Keg definition: 5 or more gallons
- Prohibited:
  - Possessing an unregistered, unlabeled keg—maximum fine/jail \$500/3 months
  - Destroying the label on a keg—maximum fine/jail \$500/3 months
- Purchaser information collected:
  - Purchaser’s name and address
  - Verified by a government-issued ID
- Warning information to purchaser: Passive—no purchaser action required
- Deposit: Not required
- Provisions do not specifically address disposable kegs

### **Home Delivery**

- Beer: Permitted
- Wine: Permitted
- Spirits: Permitted

## Alcohol Pricing Policies

### Alcohol Tax

#### *Beer (5 percent alcohol)*

- Specific excise tax: \$0.31 per gallon

#### *Wine (12 percent alcohol)*

- Specific excise tax: \$0.95 per gallon

#### *Spirits (40 percent alcohol)*

- Specific excise tax: \$3.75 per gallon

### Drink Specials

- Free beverages: Not prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Prohibited
- Reduced price, specified day or time: Not prohibited
- Unlimited beverages: Prohibited
- Increased volume: Not prohibited

### Wholesale Pricing

Pricing restrictions exist.

#### *Beer (5 percent alcohol)*

- Retailer credit: Not permitted

#### *Wine (12 percent alcohol)*

- Retailer credit: Restricted—30 days maximum

#### *Spirits (40 percent alcohol)*

- Retailer credit: Restricted—30 days maximum

## Nebraska State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Nebraska State Patrol	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol–Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Nebraska State Patrol
Such laws are also enforced by local law enforcement agencies	No
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	
	Yes
Number of minors found in possession by state law enforcement agencies	1,767
Number pertains to the 12 months ending	12/31/2011
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
	Yes
Data are collected on these activities	Yes
Number of retail licensees in state <sup>3</sup>	5,500
Number of licensees checked for compliance by state agencies (including random checks)	780
Number of licensees that failed state compliance checks	65
Numbers pertain to the 12 months ending	12/31/2012
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Both on- and off-sale establishments
<i>State conducts <b>random</b> underage compliance checks/decoy operations</i>	
	Yes
Number of licensees subject to <b>random</b> state compliance checks/decoy operations	780
Number of licensees that failed <b>random</b> state compliance checks	65
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	235
Number of licensees that failed local compliance checks	16
Numbers pertain to the 12 months ending	12/31/2012
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
	No
Number of fines imposed by the state <sup>4</sup>	Not applicable

Total amount in fines across all licensees	Not applicable
Smallest fine imposed	\$50 per day for days of license suspension
Largest fine imposed	\$5,000
Numbers pertain to the 12 months ending	Not applicable
<b>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</b>	
Number of suspensions imposed by the state <sup>5</sup>	No data
Total days of suspensions across all licensees	No data
Shortest period of suspension imposed (in days)	1
Longest period of suspension imposed (in days)	50
Numbers pertain to the 12 months ending	12/31/2012
<b>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</b>	
Number of license revocations imposed <sup>6</sup>	Not available
Numbers pertain to the 12 months ending	No data
<b>Additional Clarification</b>	
The Nebraska State Patrol and local law enforcement agencies conduct compliance checks, party patrols, and underage alcohol source investigations with funding provided by the Nebraska Office of Highway Safety (NOHS). The NOHS facilities provides annual training for all law enforcement and prosecution personnel on these enforcement operations each year.	

<sup>1</sup> Or having consumed or purchased per state statutes.

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

<sup>3</sup> Excluding special licenses such as temporary, seasonal, and common carrier licenses.

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

<b>Underage Drinking Prevention Programs Operated or Funded by the State</b>	
<b>Nebraska's Enforcing Underage Drinking Laws (EUDL) Program</b>	
Program serves specific or general population	General population
Number of youth served	7,188
Number of parents served	475
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data
<b>Program Description:</b> Nebraska's EUDL program is led by the Nebraska Office of Highway Safety. NOHS was established in 1967 to coordinate, develop, and implement Nebraska's annual traffic safety plan in accordance with the federal federal Highway Safety Act. Alcohol awareness activities are coordinated through NOHS to ensure continuity, uniformity, and comprehensiveness in this area. Reducing crashes that are fatal or cause injury requires the continued, combined efforts of an informed public and dedicated government officials willing to address alcohol issues. A good working relationship, including resources and support for local officials, businesses, and others in the community, between the NOHS staff and its partners (including resources and support for local officials, businesses, and others in the community), is essential for improved compliance with impaired driving and underage age drinking laws. This coordination and assistance provides an essential element in a successful alcohol awareness program for our state.	
<b>Communities Mobilizing for Change on Alcohol (CMCA)</b>	
Program serves specific or general population	Specific population
Number of youth served	541,890
Number of parents served	No data

Number of caregivers served Program has been evaluated Evaluation report is available URL for evaluation report: URL for more program information:	No data No Not applicable Not applicable No data
<p><b>Program Description:</b> This community-organizing effort is designed to change policies and practices of major community institutions in ways that reduce teenagers' access to alcohol (target ages include 13- to 20-year-olds) by using environmental strategies.</p>	
<p><b>Across Ages</b></p>	
Program serves specific or general population Number of youth served Number of parents served Number of caregivers served Program has been evaluated Evaluation report is available URL for evaluation report: URL for more program information:	Specific population No data No data No data No Not applicable Not applicable No data
<p><b>Program Description:</b> Across Ages is a mentoring program that pairs adult mentors over age 50 with youth ages 9 to 13. The goal of the program is to enhance the resiliency of children to promote positive development and prevent involvement in high-risk behaviors. The program has four components:</p> <ol style="list-style-type: none"> <li>1. Adults mentoring youth</li> <li>2. Youth performing community service</li> <li>3. Youth participating in a life skills/problemsolving curriculum</li> <li>4. Monthly activities for family members</li> </ol> <p>The program can be implemented as a school-based or after-school program.</p>	
<p><b>All Stars</b></p>	
Program serves specific or general population Number of youth served Number of parents served Number of caregivers served Program has been evaluated Evaluation report is available URL for evaluation report: URL for more program information: <a href="http://www.allstarsprevention.com">http://www.allstarsprevention.com</a>	No data No data No data No data No Not applicable Not applicable
<p><b>Program Description:</b> All Stars programs are designed to prevent, reduce, and eliminate negative behaviors and promote positive behaviors. Each All Stars program, and every session and activity within All Stars, achieves these goals by changing qualities that account for why young people engage in negative behaviors. The various All Stars programs address the following concepts to some degree:</p> <ul style="list-style-type: none"> <li>• Beliefs about consequences</li> <li>• Bonding</li> <li>• Commitment to not use or to reduce use</li> <li>• Decisionmaking and impulsivity impulse control</li> <li>• Goal setting</li> <li>• Idealism</li> <li>• Norms</li> <li>• Parental attentiveness</li> <li>• Resistance skills training</li> <li>• Self-management</li> </ul>	

<b>Brief Alcohol Screening and Intervention for College Students (BASICS)</b>	
Program serves specific or general population	Specific population
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report:	Not applicable
URL for more program information:	No data
<p><b>Program Description:</b> BASICS is a prevention program for college students who drink alcohol heavily and have experienced or are at risk for alcohol-related problems. Following a harm-reduction approach, BASICS aims to motivate students to reduce alcohol use in order to decrease the negative consequences of drinking. It is delivered over the course of two 1-hour interviews with a brief online assessment survey taken by the student after the first session. The first interview gathers information about the student’s recent alcohol consumption patterns, personal beliefs about alcohol, and drinking history, while providing instructions for self-monitoring any drinking between sessions and preparing the student for the online assessment survey. Information from the online assessment survey is used to develop a customized feedback profile for use in the second interview, which compares personal alcohol use with alcohol use norms, reviews individualized negative consequences and risk factors, clarifies perceived risks and benefits of drinking, and provides options to assist in making changes to decrease or abstain from alcohol use. Based on principles of motivational interviewing, BASICS is delivered in an empathetic, nonconfrontational, and nonjudgmental manner and is aimed at revealing the discrepancy between the student’s risky drinking behavior and his or her goals and values. The intervention is delivered by trained personnel proficient in motivational interviewing and may be tailored for use with young adults in settings other than colleges.</p>	

<b>Additional Underage Drinking Prevention Programs Operated or Funded by the State</b>	
No data	
URL for more program information: No data	
Program description: No data	
<b>Additional Clarification</b>	
No data	

<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Description of collaboration: Working through the Nebraska Prevention Advisory Council and major funding sources that service the Tribal communities	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Description of program: Many of the locally established community coalitions that target underage drinking prevention initiatives include efforts aimed at youth exposure to alcohol advertising, promotions and marketing. This also includes environmental scans of the number of establishments, advertisements, billboards, etc., to assess the degree of exposure.	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): USDOJ/OJJDP, NHTSA, SAMHSA	Yes
Agency(ies) within your state: Liquor Control Commission, Nebraska Office of Highway Safety, Nebraska Department of Health and Human Services	Yes
Nongovernmental agency(ies): Project Extra Mile	Yes

Other: Center on Alcohol Marketing and Youth, Pacific Institute on Research and Evaluation	Yes
Best practice standards description: The Nebraska SPF SIG Strategy Approval Guide provides SPF SIG grantees with information to help identify and select evidence-based prevention strategies for their communities. The guide describes population-level behavior change theory, criteria to help determine if a strategy is a good fit for the community, a set of strategies that are preapproved for SPF SIG communities, and the process for seeking approval of strategies for community prevention efforts. For the complete guide, a supplemental list of the preapproved strategies included in the guide, and other processes forms, visit <a href="http://www.dhhs.ne.gov/puh/oph/saprev.htm">http://www.dhhs.ne.gov/puh/oph/saprev.htm</a> .	
<b>Additional Clarification</b>	
No data	

<b>State Interagency Collaboration</b>	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
Name: Fred E. Zwonechek (Nebraska Underage Drinking Task Force)	
E-mail: <a href="mailto:fred.zwonechek@nebraska.gov">fred.zwonechek@nebraska.gov</a>	
Address: P.O. Box 94612, Lincoln, NE 68509-4612	
Phone: 402-471-2515	
<i>Agencies/organizations represented on the committee:</i>	
Nebraska State Patrol	
Department of Health and Human Services	
Nebraska Crime Commission	
Nebraska Liquor Control Commission	
Nebraska Attorney General	
Nebraska Department of Motor Vehicles	
University of Nebraska Lincoln and UNL Police Department	
Lincoln Police Department	
State Probation Office	
Project Extra Mile	
Nebraska Medical Association	
Nebraska MADD	
Nebraska Public Health Association	
Nebraska Sheriff's Association	
<i>A website or other public source exists to describe committee activities</i>	No
URL or other means of access: Not applicable	

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Nebraska Department of Health and Human Services, Division of Behavioral Health	
Plan can be accessed via:	
<a href="http://dhhs.ne.gov/behavioral_health/Pages/behavioral_health_index.aspx">http://dhhs.ne.gov/behavioral_health/Pages/behavioral_health_index.aspx</a>	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Nebraska Department of Health and Human Services	
Plan can be accessed via: No data	
<b>Additional Clarification</b>	
No data	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	\$45,000
Estimate based on the 12 months ending	12/31/2012

<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$345,500
Estimate based on the 12 months ending	12/31/2012
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$750,000
Estimate based on the 12 months ending	12/31/2012
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$187,000
Estimate based on the 12 months ending	12/31/2013
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included: (1) PI&E programs including state-funded underage drinking activity toll-free tip line, (2) TV, radio, print, and web ads targeting both underage and adults, (3) enforcement/prosecution training, (4) youth advocacy training, and (5) online liquor license owner, manager, server, seller training system	
Estimate of state funds expended	\$200,000
Estimate based on the 12 months ending	12/31/2013

<b>Funds Dedicated to Underage Drinking</b>	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other:	No
<i>Description of funding streams and how they are used:</i>	
Not applicable	
<b>Additional Clarification</b>	
No data	