

**53-168.06 General prohibition; exceptions.** No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in the Nebraska Liquor Control Act. Nothing in the act shall prevent (1) the possession of alcoholic liquor legally obtained as provided in the act for the personal use of the possessor and his or her family and guests; (2) the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests; (3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians; (4) the possession and dispensation of alcoholic liquor by an authorized representative of any religion on the premises of a place of worship, for the purpose of conducting any bona fide religious rite, ritual, or ceremony; (5) persons who are sixteen years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor; (6) persons who are sixteen years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment; (7) persons who are sixteen years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or (8) persons who are nineteen years old or older from serving or selling alcoholic liquor in the course of their employment.

**Source** Laws 1935, c. 116, § 1, p. 374;C.S.Supp.,1941, § 53-301;R.S.1943, § 53-102;Laws 1971, LB 666, § 1; Laws 1978, LB 386, § 2;Laws 1980, LB 221, § 1;Laws 1985, LB 359, § 1;R.S.1943, (1988), § 53-102; Laws 1991, LB 344, § 52;Laws 1995, LB 874, § 2;Laws 2001, LB 114, § 3.

Exemption accorded to possession of liquor for personal use of possessor, his family, or guests did not apply to business conducted as a common nuisance. State ex rel. Fitzgerald v. Kubik, 167 Neb. 219, 92 N.W.2d 533 (1958).

Possession of intoxicating liquor for personal use is authorized. State v. Kubik, 159 Neb. 509, 67 N.W.2d 755 (1954).

Purpose of Liquor Control Act was to govern and control sale and use of alcoholic liquors. State ex rel. Johnson v. Hash, 144 Neb. 495, 13 N.W.2d 716 (1944).

The Nebraska Liquor Control Commission is empowered to determine, by reasonable regulations, the hours for sale of beer outside the corporate limits of cities and villages, regardless of its alcoholic content. Griffin v. Gass, 133 Neb. 56, 274 N.W. 193 (1937).

It is a penal offense for owner and operator of a truck, not designated as a carrier or granted a permit therefor, to transport from another state a cargo of unstamped alcoholic liquors consigned to a bonded warehouse of liquors in this state. State v. Hyslop, 131 Neb. 681, 269 N.W. 512 (1936).

**53-180.02 Minor; prohibited acts; exception; governing bodies; powers.** Except as provided in section 53-168.06, no minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways, upon property owned by the State of Nebraska or any subdivision thereof, or inside any vehicle while in or on any other place, including, but not limited to, the public streets, alleys, roads, or highways, or upon property owned by the State of Nebraska or any subdivision thereof, except that a minor may consume, possess, or have physical control of alcoholic liquor as a part of a bona fide religious rite, ritual, or ceremony or in his or her permanent place of residence.

The governing bodies of counties, cities, and villages shall have the power to, and may by applicable resolution or ordinance, regulate, suppress, and control the transportation, consumption, or knowing possession of or having under his or her control beer or other alcoholic liquor in or transported by any motor vehicle, by any person under twenty-one years of age, and may provide penalties for violations of such resolution or ordinance.

**Source**       Laws 1951, c. 174, § 1(3), p. 664;Laws 1955, c. 205, § 1, p. 584;Laws 1957, c. 233, § 1, p. 792;  
Laws 1965, c. 323, § 1, p. 915;Laws 1967, c. 337, § 1, p. 904;Laws 1969, c. 440, § 2, p. 1473;  
Laws 1980, LB 221, § 3;Laws 1980, LB 848, § 18;Laws 1981, LB 124, § 4;Laws 1984, LB 56, § 2;  
Laws 1991, LB 344, § 62;Laws 2001, LB 114, § 4;Laws 2007, LB573, § 11.

Circumstantial evidence can be sufficient to sustain a conviction of a minor in possession in violation of this section. When relying upon circumstantial evidence, it is not necessary for the State to disprove every hypothesis but that of guilt. One accused of a crime may be convicted on the basis of circumstantial evidence if, taken as a whole, the evidence establishes guilt beyond a reasonable doubt. Circumstantial evidence is sufficient to support a conviction if such evidence and the reasonable inferences that may be drawn therefrom establish the defendant's guilt beyond a reasonable doubt. *State v. Laue*, 225 Neb. 57, 402 N.W.2d 313 (1987).

Circumstantial evidence was sufficient to sustain a conviction under this section. *State v. Reeder*, 183 Neb. 425, 160 N.W.2d 753 (1968).

To sustain conviction, minor must have known or have been conscious of actual or constructive possession of intoxicating liquor. *State v. Eberhardt*, 176 Neb. 18, 125 N.W.2d 1 (1963).