

ASSEMBLY BILL NO. 404—ASSEMBLYMEMBERS WATTS; BROWN-
MAY, KASAMA, NGUYEN AND TORRES-FOSSETT

MARCH 11, 2025

JOINT SPONSOR: SENATOR NGUYEN

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to alcoholic beverages.
(BDR 52-651)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to alcoholic beverages; revising the definition of “special event” for the purposes of certain provisions governing brew pubs; authorizing a person who operates a brew pub to engage in certain activities concerning the transport, storage and sale of malt beverages; revising provisions governing the possession, sale and transportation of liquor; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the licensure and operation of brew pubs in this State.
2 (NRS 369.180, 597.230) Existing law authorizes a person who operates one or
3 more brew pubs to sell at retail malt beverages that are: (1) manufactured on or off
4 the premises of any of the brew pubs for consumption on the premises; and (2)
5 manufactured and sealed in packages on the premises of any of the brew pubs for
6 consumption off the premises. (NRS 597.230) **Section 2** of this bill additionally
7 authorizes a person who operates one or more brew pubs to sell at retail malt
8 beverages that are: (1) manufactured on or off the premises of any of the brew pubs
9 for consumption at not more than three other locations operated by the person; and
10 (2) manufactured on the premises of any of the brew pubs and which are sealed in
11 packages at not more than three other locations operated by the person for
12 consumption off the premises. **Section 2** also authorizes such a person to transport
13 malt beverages to and store malt beverages at any other location operated by the
14 person for the purpose of conducting such sales.

15 Existing law authorizes a person who operates a brew pub to transport malt
16 beverages to a licensed retailer, other than a person who operates a brew pub, for



17 the purpose of selling the malt beverages at a special event in this State. (NRS
18 597.230) **Section 2** authorizes a person who operates a brew pub to transport malt
19 beverages to another person who operates a brew pub for the purpose of selling the
20 malt beverages at a special event in this State.

21 Existing law defines a special event as an event that lasts not longer than 1
22 calendar day and occurs at a farmers' market or at an event designated as a county
23 fair. (NRS 597.200) **Section 1** of this bill revises that definition to instead define a
24 special event as an event that lasts not longer than 3 calendar days and for which a
25 permit has been issued by the local government where the event is conducted.

26 Existing law prohibits, with certain exceptions, a person from offering, keeping
27 or possessing for sale, furnishing or selling, or soliciting the purchase or sale of any
28 liquor in this State, or transporting or importing or causing to be transported or
29 imported any liquor in or into this State for delivery, storage, use or sale unless the
30 person complies with the relevant provisions of law, holds the appropriate license,
31 permit or certificate and meets certain other requirements. Existing law provides
32 certain exceptions from that prohibition, including, among others, for a person who
33 enters this State with 1 gallon or less of alcoholic beverage per month from another
34 state for his or her own household or personal use. (NRS 369.490) **Section 3** of this
35 bill revises that exception to instead exempt a person who causes to be shipped in
36 or into this State 1 gallon or less of alcoholic beverage per month for his or her own
37 household or personal use.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 597.200 is hereby amended to read as follows:
2 597.200 As used in NRS 597.190 to 597.255, inclusive, unless
3 the context otherwise requires:

4 1. "Alcoholic beverage" means any malt beverage or
5 spirituous, vinous or malt liquor which contains 1 percent or more
6 ethyl alcohol by volume.

7 2. "Brew pub" means an establishment which manufactures
8 malt beverages and sells those malt beverages at retail pursuant to
9 the provisions of NRS 597.230.

10 3. "Case of spirits" means 12 bottles, each containing 750
11 milliliters of distilled spirits.

12 4. "Craft distillery" means an establishment which:

13 (a) Manufactures distilled spirits from agricultural raw materials
14 through distillation; and

15 (b) Is authorized to sell those distilled spirits pursuant to the
16 provisions of this chapter.

17 5. "Distillation" means the process of producing or purifying
18 spirituous liquor by successive evaporation and condensation.

19 6. "Engage in" includes participation in a business as an owner
20 or partner, or through a subsidiary, affiliate, ownership equity or in
21 any other manner.

22 7. "Estate distillery" means an establishment which:



1 (a) Manufactures distilled spirits from agricultural raw materials
2 through distillation, provided that 85 percent of such agricultural
3 raw materials, in the aggregate, were grown on land within this State
4 which is owned or controlled by the owner of the distillery; and

5 (b) Is authorized to sell those distilled spirits pursuant to the
6 provisions of this chapter.

7 8. "Instructional wine-making facility" means an instructional
8 wine-making facility operated pursuant to NRS 597.245.

9 9. "Legal age" means the age at which a person is legally
10 permitted to purchase an alcoholic beverage pursuant to
11 NRS 202.020.

12 10. "Malt beverage" means beer, ale, porter, stout and other
13 similar fermented beverages of any name or description, brewed or
14 produced from malt, wholly or in part.

15 11. "Special event" means an event : ~~{that:}~~

16 (a) ~~{Lasts}~~ *That lasts* not longer than ~~{}~~ 3 calendar ~~{day:}~~ *days*;
17 and

18 (b) ~~{Occurs at:~~

19 ~~— (1) A farmers' market, as defined in NRS 244.336; or~~

20 ~~— (2) An event designated as a county fair by a county fair and~~
21 ~~recreation board appointed pursuant to NRS 244A.599, 244A.601 or~~
22 ~~244A.603.] For which a permit has been issued by the local~~
23 ~~government where the event is conducted.~~

24 12. "Supplier" has the meaning ascribed to it in NRS 597.140.

25 13. "Wine" has the meaning ascribed to it in NRS 369.140.

26 **Sec. 2.** NRS 597.230 is hereby amended to read as follows:

27 597.230 1. In any county, a person may operate a brew pub:

28 (a) In any redevelopment area established in that county
29 pursuant to chapter 279 of NRS;

30 (b) In any historic district established in that county pursuant to
31 NRS 384.005;

32 (c) In any retail liquor store as that term is defined in NRS
33 369.090; or

34 (d) In any other area in the county designated by the board of
35 county commissioners for the operation of brew pubs. In a city
36 which is located in that county, a person may operate a brew pub in
37 any area in the city designated by the governing body of that city for
38 the operation of brew pubs.

39 ↪ Except as otherwise provided in paragraph (e) of subsection 3, a
40 person who operates one or more brew pubs may not manufacture
41 more than 40,000 barrels of malt beverages for all the brew pubs he
42 or she operates in this State in any calendar year.

43 2. The premises of any brew pub operated pursuant to this
44 section must be conspicuously identified as a "brew pub."



1 3. Except as otherwise provided in subsection 4, a person who
2 operates one or more brew pubs pursuant to this section may, upon
3 obtaining a license pursuant to chapter 369 of NRS and complying
4 with any other applicable governmental requirements:

5 (a) Manufacture and store malt beverages on the premises of one
6 or more of the brew pubs and:

7 (1) Sell and transport the malt beverages manufactured on
8 the premises to a person holding a valid wholesale wine and liquor
9 dealer's license or wholesale beer dealer's license issued pursuant to
10 chapter 369 of NRS.

11 (2) Donate for charitable or nonprofit purposes and, for the
12 purposes of the donation, transport the malt beverages manufactured
13 on the premises in accordance with the terms and conditions of a
14 special permit for the transportation of the malt beverages obtained
15 from the Department of Taxation pursuant to subsection 4 of
16 NRS 369.450.

17 (3) Transfer in bulk the malt beverages manufactured on the
18 premises:

19 (I) To a person holding a valid wholesale wine and liquor
20 dealer's license or wholesale beer dealer's license issued pursuant to
21 chapter 369 of NRS for the purpose of transferring in bulk the malt
22 beverages to an estate distillery for the purpose of distillation and
23 blending, which transfer is taxable only as provided in NRS
24 597.237; or

25 (II) If there is no wholesaler who is able or willing to
26 accept and transfer in bulk the malt beverages pursuant to sub-
27 subparagraph (I), to a person holding a valid license to operate an
28 estate distillery issued pursuant to chapter 369 of NRS for the
29 purpose of distillation and blending, which transfer is taxable only
30 as provided in NRS 597.237 and must be performed in accordance
31 with the terms and conditions of a special permit for the
32 transportation of the malt beverages obtained from the Department
33 of Taxation pursuant to subsection 4 of NRS 369.450.

34 *(4) Transport the malt beverages manufactured on the*
35 *premises to and store the malt beverages at any other location that*
36 *is operated by the person for the purpose of selling the malt*
37 *beverages at retail pursuant to paragraph (c) or (d).*

38 (b) Manufacture and store malt beverages on the premises of
39 one or more of the brew pubs and transport the malt beverages
40 manufactured on the premises to a retailer, ~~other than~~ **including,**
41 **without limitation,** a person who operates a brew pub pursuant to
42 this section, that holds a valid license pursuant to chapter 369 of
43 NRS for the purpose of selling the malt beverages at a special event
44 in accordance with the terms and conditions of a special permit for
45 the transportation of the malt beverages obtained from the



1 Department of Taxation pursuant to subsection 4 of NRS 369.450.
2 For the purposes of this paragraph, the person who operates one or
3 more brew pubs shall not obtain more than 20 such special permits
4 for the transportation of the malt beverages from the Department of
5 Taxation pursuant to subsection 4 of NRS 369.450 within a calendar
6 year.

7 (c) Sell at retail, not for resale, malt beverages manufactured on
8 or off the premises of one or more of the brew pubs for consumption
9 on the premises ~~H~~ *or at not more than three other locations*
10 *operated by the person.*

11 (d) Sell at retail, not for resale, in packages sealed on the
12 premises of one or more of the brew pubs ~~H~~ *or at not more than*
13 *three other locations operated by the person*, malt beverages,
14 including malt beverages in unpasteurized form, manufactured on
15 the premises for consumption off the premises.

16 (e) In a calendar year, in addition to the amount of malt
17 beverages which may be manufactured pursuant to subsection 1,
18 manufacture and sell 20,000 barrels of malt beverages for all the
19 brew pubs he or she operates in this State provided such barrels are
20 sold to a wholesaler located outside of this State, subject to such
21 periodic auditing as the Department of Taxation shall require by
22 regulation.

23 4. The amount of malt beverages sold pursuant to paragraphs
24 (b), (c) and (d) of subsection 3 must not exceed a total of 5,000
25 barrels in any calendar year. Of the 5,000 barrels, not more than
26 1,000 barrels may be sold in kegs.

27 **Sec. 3.** NRS 369.490 is hereby amended to read as follows:

28 369.490 1. Except as otherwise provided in subsection 2 and
29 NRS 369.176 and 369.489, a person shall not directly or indirectly,
30 himself or herself or by his or her clerk, agent or employee, offer,
31 keep or possess for sale, furnish or sell, or solicit the purchase or
32 sale of any liquor in this State, or transport or import or cause to be
33 transported or imported any liquor in or into this State for delivery,
34 storage, use or sale therein, unless the person:

35 (a) Has complied fully with the provisions of this chapter;

36 (b) Holds an appropriate, valid license, permit or certificate
37 issued by the Department; and

38 (c) Has been duly designated by the supplier of that liquor
39 pursuant to NRS 369.386 or purchased the liquor in compliance
40 with NRS 369.486.

41 2. Except as otherwise provided in subsection 3, the provisions
42 of this chapter do not apply to a person:

43 (a) Entering this State with a quantity of alcoholic beverage for
44 household or personal use which is exempt from federal import
45 duty;



1 (b) ~~Entering this State with~~ *Who causes to be shipped in or*
2 *into this State* 1 gallon or less of alcoholic beverage per month
3 ~~from another state~~ for his or her own household or personal use;

4 (c) Who:

5 (1) Is a resident of this State;

6 (2) Is 21 years of age or older; and

7 (3) Imports 12 cases or less of wine per year for his or her
8 own household or personal use; or

9 (d) Who is lawfully in possession of wine produced on the
10 premises of an instructional wine-making facility for his or her own
11 household or personal use and who is acting in a manner authorized
12 by NRS 597.245.

13 3. The provisions of subsection 2 do not apply to a supplier,
14 wholesaler or retailer while he or she is acting in his or her
15 professional capacity.

16 4. A person who accepts ~~wine~~ *any alcoholic beverage*
17 shipped *in or* into this State pursuant to paragraph (b) or (c) of
18 subsection 2 must be 21 years of age or older.



