

LB 258
General Affairs Committee
Testimony of Chris Wagner
Project Extra Mile
January 30, 2023

Good afternoon, Vice Chair Hughes and members of the committee. My name is Chris Wagner, and I am here representing Project Extra Mile, a network of community partnerships working in Nebraska to prevent and reduce alcohol-related harms. We are here to express our opposition to LB 258.

Our state has experienced too many tragedies involving young people who lose their lives early due to alcohol. We should not be looking for new ways to introduce some of our youngest to alcohol.

If passed, this bill would result in the deregulation of beer that contains less than 0.5% alcohol by volume, and I have to tell you that alcohol is one thing that we need more regulation around – not less. In fact, we were hopeful that this committee would take up the Liquor Control Commission's request for the authority to regulate wine and spirits with less than 0.5% ABV and we were looking forward to supporting that bill (number two in the letter I provided). Needless to say, we are disappointed to be fighting an attempt to remove near beer instead of bringing these other increasingly popular products under the Commission's purview.

We have a number of concerns with the bill. First, we strongly believe that this bill targets our youngest children to encourage them to develop a taste for beer and will lead to them wanting to try the "real thing" before they reach 21. Kids naturally want to feel included and grown up, and with this bill they'll be able to use their birthday money or allowance to buy it from the gas station or grocery store down the street.

I would also point out that public health organizations have been in conversations with leadership and staff at the Alcohol and Tobacco Tax and Trade Bureau, which conducts tests on alcohol products to ensure that the stated alcohol content on beverages matches the amount of alcohol in the container and the TTB has shared that it is not uncommon for the amount of alcohol in containers to be above the percentage on the label. As such, it is entirely possible that any given near beer product actually exceeds the allowable 0.4% limit.

Finally, I want to draw your attention to the fact that precisely what LB 258 would do has been done before in our state, and it didn't last long before the community noticed the negative impacts. Police were forced to waste valuable time responding to calls involving near beer because youth were drinking it at large social events and while driving down the street and showing it off to other motorists who called 911. An 8 year old testified during the 91st Legislature that a fourth grade boy was drinking near beer during school lunch.

It also begs the question: Is this bill putting youth in an impossible situation by telling them it's legal to purchase and drink near beer, but putting them in legal jeopardy and the community at risk when they have too many of these beverages and surpass the legal BAC limit for minors to operate a vehicle? It's safe to say that most youth are not thinking three steps ahead. They live in the moment. Their brains will still be developing for years. Asking them to make decisions that

a large minority of adults fail at making nearly everyday when they get behind a while under the influence of alcohol is not fair.

To conclude, we feel that anything that looks like alcohol, smells like alcohol, and tastes like alcohol should be treated as such. We strongly support the Commission's desire to add near wine and near spirits to our liquor statutes and oppose efforts to remove near beer. Consequently, please vote to indefinitely postpone LB 258.

Thank you for your consideration of our comments.