



**Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division**

**Introduction to
Minnesota Liquor
Laws and Rules**



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NOTE: Check local ordinances, they may be more restrictive than State Law.

I. LICENSES

A. License required

1. Manufacture/Wholesale (340A.301 subd. 1) No person may directly or indirectly manufacture or sell alcoholic beverages at wholesale without obtaining the appropriate license.
2. Retail (340A.401) No person may directly or indirectly, on any pretense, sell, barter, charge for possession or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the required license or permit.
3. Import (340A.302) No person may import alcoholic beverages into Minnesota without obtaining an Importer's license.
4. Manufacturer's Warehouse Permit (340A.3055) No brewer, malt beverage manufacturer or intoxicating liquor manufacturer may import alcoholic beverages to a central warehouse or central distribution center or holding area in Minnesota without a manufacturer's warehouse permit.

B. Persons Eligible for License

1. Manufacture/Wholesale (340A.301 subd. 2) An applicant must be a citizen of the United States or a resident alien. The applicant must be of good moral character and repute and be at least 21 years old. They can have no record of any alcoholic beverage violations or license revocations in the last five years. An applicant may not own or have any direct or indirect interest in any alcoholic beverage retailer.
2. Retail (340A.402) No retail license may be issued to a person under the age of 21, or to a person who has held, or had an interest in, an alcoholic beverage license that has been revoked for a violation of alcohol beverage laws within five years of the date of the current application. No retail license may be issued to a person not of good morale character and repute. No retail license may be issued to a person who has a direct or indirect interest in a manufacturer or wholesaler of alcoholic beverages. No license may be issued and the issuing authority may refuse to renew the license of any person, partnership or corporation who, within the last five years has been convicted of a felony or a willful violation of a federal, state, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

C. License Not Required

1. (340A.301 subd. 9) A person may make wine and brew beer in their own home for family use.
2. (340A.4011) A bed and breakfast facility does not have to obtain an alcohol beverage license for the serving of wine if it meets the following criteria. The bed and breakfast provides no more than eight rooms for rent to no more than twenty guests at one time. Is located on the same property as the owner's personal residence. Provides no meals other than breakfast served to persons who rent rooms. Was originally built and occupied as or was converted to a single-family residence prior to being used as a place of

lodging. May provide wine at no additional charge to persons renting rooms at the facility. Wine servings may not be more than two 4-oz. servings a day. Wine may be consumed only on the premises of the bed and breakfast. A bed and breakfast facility that serves wine must be registered with The Department of Public Safety, Alcohol and Gambling Enforcement Division on a form provided to the applicant by the division. A bed and breakfast's registration may be revoked for any violation of alcohol beverage laws.

D. On-Sale License (340A.404)

An on-sale liquor license may be issued by a city to numbers 1-6, by a county to numbers 1, 2, 3 or 4:

- Hotels
- Restaurants
- Bowling centers
- Clubs - provided: *The organization has been in existence for at least 3 years. Sales will only be to members and bona fide guests.*
- Metropolitan Sports Commission
- Exclusive liquor stores.
- Theaters

(Note – Items 5 and 6 do not apply to cities that have municipally owned liquor stores)

E. Off-Sale License (340A.405)

A city/county may issue an off-sale liquor license to an exclusive liquor store. A city of the first class may issue an off-sale license to a general food store if originally issued prior to 1989.

F. Exclusive liquor store (340A.412, Subd. 14)

An exclusive liquor store may sell alcoholic beverages and the following items:

1. Tobacco products
2. Ice
3. Mixes
4. Soft drinks
5. Liqueur-filled candies
6. Food products that contain more than one-half of one percent alcohol by volume
7. Cork extraction devices
8. Books and videos on the use of alcoholic beverages
9. Magazines and other publications published primarily for information and education on alcoholic beverages
10. Home brewing equipment, including ingredients

G. Brew Pub Off-Sale License (Growlers)

1. A municipality may issue with the approval of the Commissioner of Public Safety, an off-sale malt liquor license to a brew pub within it's jurisdiction. The license allows the brew pub to sell malt beverages

brewed on their licensed premises at off-sale with the following stipulations:

- The container (Growler) must be a 64 ounces.
- The container must be properly sealed with a twist type closure, cork stopper or plug.
- The container must also bear a plastic or paper adhesive band, strip or sleeve that extends over the top of the container forming a seal that must be broken upon opening the container.
- The seal and the container must bear the name and address of brew pub and will be considered intoxicating liquor.
- Brew Pub off-sale hours are the same as the hours for off-sale liquor stores as defined in Minnesota Statute 340A.504 (see page 6)
- Not more than 500 barrels or 50 percent of the brew pub's annual production may be sold at off-sale.

H. 3.2 Beer License (340A.403)

1. An on-sale or off-sale liquor licensee may sell 3.2 beer without a further license.
2. A city or county may issue a 3.2 beer license for either on-premise or off-premise sale.
3. On – sale 3.2 beer licenses may be issued to drug stores, hotels, clubs, bowling centers and establishments used exclusively for the sale of 3.2 beer with the incidental sale of tobacco and soft drinks. (340A.411 subdivision 1)

I. Wine On-Sale licenses (340A.404 Subd. 5) and on-sale of strong beer.

1. A municipality may issue an on-sale wine license to a restaurant that has at least 25 seats. This permits the sale of wine up to 14% alcohol.
2. A municipality may by ordinance authorize a holder of an on-sale wine license, who is also licensed to sell 3.2 beer on-sale and whose gross receipts are at least 60% attributable to the sale of food, to sell strong beer at on-sale without an additional license - no additional fee may be charged.
3. A municipality may issue an on-sale wine license to a licensed bed and breakfast facility, provided it is only for the registered guests. *(See also bed and breakfast no license required under item B)*

J. Combination Licenses (340A.406)

A city of the fourth class or a statutory city of 10,000 or fewer population may issue an off-sale and on-sale intoxicating liquor license to the same licensee or in lieu of issuing separate licenses to the same licensee, may issue a combination on-sale and off-sale license.

K. County Licenses (340A.410)

A county may not issue a retail license to sell any alcohol beverage within an organized town unless the governing body of the town has consented to

the issuance of the license. The county board shall also consider the recommendations of the Sheriff and County Attorney.

L. Municipal Licenses (340A.601)

A city having a population of not more than 10,000 may own and operate a municipal liquor store which may sell intoxicating liquor, 3.2 beer, tobacco, ice, soft drinks and food for consumption on the premises.

M. Temporary Licenses

1. 3.2 beer: A club or charitable, religious or non-profit organization may be issued a temporary 3.2 beer license subject to the terms set by the issuing county or city. (340A.403, Subd. 2)
2. On-sale spirits, wine and beer: A club or charitable, religious or other non-profit organization in existence for at least three years, a political committee registered under MN Statutes Section 10A.14 or a state university may be issued a temporary license for the on-sale of intoxicating liquor in connection with a social event within the city/county sponsored by the licensee. The license may not be for more than four (04) consecutive days. The license may provide that the licensee may contract for intoxicating liquor, catering services with the holder of a full year on-sale intoxicating liquor license holder. The licenses are subject to the terms, including a license fee, imposed by the issuing city/county. (340A.404, Subd. 10)
3. Off-sale licenses - wine auctions: A city may issue a temporary license for the off-sale of wine at an auction, authorizing the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases are sold at auction. The licenses are subject to the terms imposed by the issuing city. (340A.405, Subd. 4)

N. Caterer's Permit (340A.404. Subd. 12)

The commissioner may issue a caterer's permit to a restaurant that holds an on-sale intoxicating liquor license issued by any municipality. The holder of a caterer's permit may sell intoxicating liquor incidental to their food service at a place other than the premises for which the holder's on-sale intoxicating liquor license is issued. The permit holder shall notify either the police chief or the county sheriff, of where the event will take place. It is also recommended that local licensing offices be notified as well.

O. Special Provisions and Community Festivals (340A.404 subd. 4)

1. The governing body of a municipality may authorize the holder of a retail on-sale intoxicating liquor license issued by the municipality or by an adjacent municipality to dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports, convention or cultural facility owned by the municipality or instrumentality thereof. The licensee must be engaged to dispense intoxicating liquor

at an event held by a person or organization permitted to use the premises and may only dispense intoxicating liquor to persons attending the event. A licensee may not dispense intoxicating liquor to any person attending or participating in an amateur athletic event.

2. The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off premises at a community festival held within the municipality. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed. A municipality shall not issue authorization unless the licensee demonstrates that it has liability insurance as prescribed by section 340A.409 to cover the event.

II. LICENSES PROHIBITED IN CERTAIN AREAS (340A.412, Subd. 4)

A. No license to sell intoxicating liquor may be issued within the following areas:

1. Where restricted through zoning ordinances.
2. Within the capitol or on the capitol grounds.
3. On the state fair grounds or at any place in the city of the first class within one-half-mile of the fair grounds.
4. On the campus or the college of agriculture of the U of M.
5. Within 1,000 feet of a state hospital, training schools, reformatory, prison or other institutions under the supervision or control of the commissioner of human services or the commissioner of corrections. (Measured from the nearest part of the liquor store building to the nearest property line of the restricted institution.)
6. In a town or city in which the majority of votes at the last election and which the question of license was voted upon were not in favor of a license or within one-half mile of any such town or city.
7. At any place on the East Side of the Mississippi River within one tenth of a mile of the main building of the U of M unless the establishment is on the property owned and operated by a non-profit corporation organized prior to January 1, 1940.
8. Within 1500 feet of any public school that is not within a city. Within 1,500 feet of any state university (with the exception of Winona State which has a limit of 1,200 feet). This prohibition would not apply to temporary licenses issued under the provisions of MN Statute 340A.404 subdivision 10 for events sponsored and approved by the State University.

III. RESTRICTIONS ON THE NUMBER OF LICENSES

A. Off-Sale Licenses

1. A municipality may not issue more than one off-sale license to any person or for any one place. (340A.412, Subd. 3)
2. In cities of the first class, not more than one off-sale license for each 5,000 population. In all other cities the limit shall be determined by the city. (340A.413, Subd. 5)

B. Temporary Licenses MN Statute 340A.404 subd. 10.

1. A municipality may not issue more than three four-day, four three-day, six two-day, or twelve one-day temporary licenses in any combination, not to exceed 12 days per year to any one organization or political committee, or for any one location within a twelve month period.
2. A municipality may not issue more than one temporary license to any one organization or registered political committee or for any one location within a thirty-day period except for licenses issued for an officially designated a community festival held in the municipality. (This restriction does not apply to a municipality with a population of 5000 or less.
3. A municipality that issues separate temporary wine and liquor licenses may apply the above named limits separately for each license type.

IV HOURS & DAYS OF SALE (340A.504)

A. 3.2 beer

No sale of 3.2 beer may be made between 2:00 A.M. and 8:00 A.M. on the days of Monday through Saturday, nor between 2:00 A.M. and Noon on Sunday, with certain exceptions for the airport and sports commission.

B. On-Sale

No sale of intoxicating liquor on-sale may be made. Between 2:00 A.M. and 8:00 A.M. on the days of Monday through Saturday or after 2:00 A.M. on Sundays.

C. On-Sale - Sunday Sales

A city or county may issue a Sunday license only if authorized to do so by the voters of the city or county voting on the question at a general or special election. A restaurant, club, bowling center or hotel with at least 30 seats and which holds an on-sale license may sell alcoholic beverages at on-sale in conjunction with the sale of food between the hours of 10:00 A.M. on Sundays and 2:00 A.M. on Mondays after being issued a separate Sunday license.

D. 2 A.M. License

In order for a retail establishment to sell/serve alcoholic beverages until 2:00 A.M. they must first be licensed for such sales. Licensees will need to apply for a special 2:00 A.M. License. Please contact Alcohol and Gambling Enforcement for fee information.

E. Off-Sale

No off-sale may be made:

1. On Sunday.

2. Before 8:00 A.M. on Monday through Saturday.
3. After 10:00 P.M. on Monday through Saturday.
4. After 8:00 P.M. on Christmas Eve December 24.
5. On Thanksgiving Day.
6. On Christmas Day.

A municipality may by ordinance further limit the hours of sale.

V. PERSONS UNDER 21 - ILLEGAL ACTS (340A.503)

A. Consumption

It is unlawful for any:

1. Retail licensee to permit any person under the age of 21 years to consume alcohol on the premise.
2. Person under the age of 21 to consume any alcoholic beverage unless consumed in the household of the persons parent or guardian and with the consent of the parent or guardian.

B. Purchasing

It is unlawful for any person:

1. To sell, furnish or give alcoholic beverages to a person under 21;
2. Under the age of 21 to purchase or attempt to purchase or procure any alcoholic beverage; or
3. To lend or knowingly permit the use of the person's drivers license, permit, Minnesota ID card or other form of identification by a person under the age of 21 years for the purpose of purchasing or attempting to purchase alcohol.

C. Possession

It is unlawful for a person under the age of 21 to possess any alcoholic beverage with the intent to consume unless in the home of a person's parent or guardian.

D. Entering Licensed Premises

It is unlawful for a person under 21 to enter an establishment licensed to sell alcoholic beverages for the purpose of purchasing or having served or delivered any alcoholic beverages. However, no city ordinance may prohibit a person 18, 19 or 20 years of age from entering an establishment to:

- Perform work for the establishment, including the serving of alcoholic beverages;

- Consume meals; and
- Attend social functions that are held in a portion of the establishment where liquor is not sold.

E. Misrepresentation of Age

It is unlawful for a person under 21 to claim to be 21 for the purpose of purchasing alcoholic beverages.

F. Proof of Age, Defense

1. Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:
 - A valid drivers license issued by Minnesota, another state or Canada and including the photograph and date of birth of the person;
 - A valid identification card issued by Minnesota, another state or Canada and including the photograph and date of birth of the person;
 - A valid military ID issued by the US Dept. of Defense;
 - A valid passport issued by the United States or a foreign country
2. In a prosecution for a sale to a person under 21, it is a defense to prove by a preponderance of the evidence that the seller reasonably and in good faith relied upon representations of proof of age authorized above in selling or giving the alcohol.
3. A licensed retailer or municipal liquor store may seize a form of identification listed above if the retailer has reasonable grounds to believe that the ID has been altered falsified or is being used to violate the law. A retailer or municipal liquor store that seizes a form of ID must deliver it to a law enforcement agency within 24 hours after the seizure.

VI. EMPLOYMENT OF MINORS (340A.412, Subd. 10)

- A.** No person under the age of 18 years may serve or sell intoxicating liquor in a retail liquor establishment. (340A.412, Subd. 10) No city ordinance may prohibit an employee 18, 19 or 20 years old from serving alcohol. [340A.503, Subd. 4(B)1]

VII. RESTRICTIONS

- A.** Every licensee is responsible for the conduct in the licensed establishment and any sale of alcoholic beverages by any employee authorized to sell alcoholic beverages is the act of the licensee for the purpose of these provisions. (340A.501)

- B.** No person may sell, give, furnish, or in any way procure for another an alcohol beverage for use by a person who is obviously intoxicated. To do so is a gross misdemeanor. (340A.502 and 340A.702 subdivision 7)
- C.** Sales to under 21 or allowing consumption of under 21 (see Roman Numeral No. V.)
- D.** Licensee may not sell for resale. (340A.505)
- E.** Gambling prohibited. No retail establishment licensed to sell alcohol may keep, possess or operate any gambling device except those allowed under the lawful gaming law, Indian gaming law or lottery law. (340A.410, Subd. 5)

1. Social dice games are permitted on the premises and adjoining rooms of establishments licensed for the sale of alcoholic beverages. Only the following games are allowed:

- a. Shake –A- Day
- b. 3-2-1
- c. Who Buys
- d. Last Chance
- e. Liar’s Poker
- f. 6-5-4
- g. Horse
- g. Aces

Note: Wagers for the above listed games may only be for food or beverages. An alcoholic beverage licensed retail establishment may not organize or participate financially in the games.

2. It is now legal to play Texas Hold em in retail liquor licensed establishments. Please contact Alcohol and Gambling Enforcement for further information.

- F.** Coin operated amusement devices may not be made available in off-sale licenses with an exception for Pull Tab dispensing devices authorized by the Gambling Control board. (340A.410, Subd. 9)
- G.** A holder of a retail intoxicating liquor license or a municipal liquor store may not store any intoxicating liquor at any location other than the licensed premises except with the written permission of the commissioner. (340A.412, Subd. 12)
- H.** A local authority may impose further restrictions and regulations on the sale and possession of alcohol within its limits. (340A.509)

VIII. ADVERTISING (340A.507)

- A. Rules:** The commissioner may by rule regulate the advertising of alcoholic beverages.
- B. Price Advertising - Alcohol**
A Supreme Court ruling has expanded alcoholic beverage price advertising to allow off premises price advertising as well. Price advertising is allowed in newspapers and off premise signs.

- C. Cooperative Advertising.**
There can be no-cooperative advertising between the retailer and alcoholic beverage suppliers except inside the licensed premises. Suppliers can advertise their alcoholic beverages without naming the retailer. A retailer can advertise their own business and may name products but they may not do this financially or cooperatively, directly or indirectly, with a supplier. There can be no shared or donated radio or other advertising spots or time.
- D. Where to Advertise.**
Retailers may advertise in bona fide newspapers and magazines, on the radio and television and on billboards with truthful statements such as percentage discounts or similar.
- E. Advertising "FREE".**
Retailers may advertise in allowed media and on the premises for something given away completely free if the statement "no purchase is necessary" is contained in all advertising. FREE means no purchase necessary, no entry fee, no cover charge or anything that requires giving money or any extra expenditure of time by the public or customer. This includes no requirement of multiple visits or no requirement of having any unrelated item in possession. No team uniform or membership can be required to receive the free item. Quantities may be limited to a reasonable amount.
- F. Campus contests restricted.**
No manufacturer, wholesaler or retailer of alcoholic beverages may conduct, sponsor or contribute financially to activities held on campus that involve the consumption or sale of alcohol. This does not affect on-campus licensed retailers.
- G. Free Give Away**
There is no limit or restriction on what an alcoholic beverage retailer may give away free. You may give away alcoholic beverages, as long as it is a legal product for you to sell.
- H. Coupons and rebates**
 - 1. Coupons**
Alcoholic beverage manufacturer or distributor instant in-store coupons that are redeemed by the retailer are not allowed. (MN Statute 340A.5071)
 - 2. Rebates**
The one type of consumer rebate allowed is a manufacturer's mail in rebate. These are done by tear off pads only at point of sale communicating the offer or by on-package certificates or neck wraps.

RETAIL - WHOLESALE

IX. CREDIT/INDUCEMENTS

- A. Breweries/Beer wholesalers (340A.308)**

1. A brewery/beer wholesaler may not directly or indirectly or through a third party:
 - a. Give or lend money, credit or other thing of value to a retailer, Beer must be paid for at time of delivery
 - b. Give, lend lease or sell furnishing or equipment to a retailer,
 - c. Have an interest in a retail license;
 - d. Be bound for the repayment of a loan to a retailer.
2. No retailer may solicit any equipment, fixture, supplies, money or other thing of value from a brewer or malt liquor wholesaler if furnishing of these items by the brewer or wholesaler is prohibited by law and the retailer knew or had reason to know that the furnishing is prohibited by law.
3. Exceptions to the above are as follows:
 - a. Furnishing, lending or renting to a retailer outside signs, of a cost of up to \$400 cumulative total excluding installation and repair costs;
 - b. Furnishing, lending or renting to a retailer inside signs and other promotional material of a cost of up to \$300 in a year,
 - c. Furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment of a cost of up to \$100 per tap in a year.
 - d. Using or renting property owned continually since November 1, 1993 for the purpose of selling intoxicating or nonintoxicating malt liquor at retail;
 - e. Extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only.

B. Liquor & Wine (340A.318)

1. No retail licensee may accept or receive credit, other than merchandising credit in the ordinary course of business for a period not to exceed 30 days, from a distiller, manufacturer or wholesaler of distilled spirits or wine.
2. Reporting. Every distiller, manufacturer or wholesaler selling to retailers shall submit to the commissioner no later than Thursday of each calendar week a verified list of the names and addresses of each retail licensee who on the first day of the calendar week was delinquent beyond the 30 day credit period. If there are no delinquencies a verified statement to that effect should be reported
3. Posting. Verified lists of delinquencies shall be posted by the commissioner in offices of the department and places available for public

inspection not later than the day following receipt. Documents posted shall constitute notice to every distiller, manufacturer or wholesaler of the information posted.

X. DRAM SHOP/THIRD PARTY LIABILITY INSURANCE

A. Insurance Required (340A.409)

1. No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liquor liability. This may be given by filing:
 - a. A certificate that there is in effect for the license period an insurance policy or pool providing at least \$50,000 of coverage because of bodily injury to any one person in any one occurrence, \$100,000 because of bodily injury to two or more persons in any one occurrence, \$10,000 because of injury to or destruction of destruction of property of others in any one occurrence, \$50,000 for loss of means or loss of means of support of two or more persons in any one occurrence;
 - b. A bond of a surety company with minimum coverage as provided above; or
 - c. A certificate of the State Treasurer that the licensee has deposited with the State Treasurer \$100,000 in cash or securities.
2. An annual aggregate policy limit for dram shop insurance of not less than \$300,000 per policy may be included in the policy provisions.
3. This dram shop liability insurance policy may not be canceled by either the insurer or the insured without the canceling party first giving 30 days' notice of intent to cancel in writing to the licensing cancellation for nonpayment of premium requires prior 10 days' notice in writing to the licensing authority.
4. Assigned Risk Plan - The purpose of an assigned risk plan, operated by the state, is to provide coverage required for liability insurance to licensees rejected by an insurance carrier.
5. Notification by insurer of status of claim. Upon the request of the insured, the insurer shall inform the insured of the status of any claims made under the policy.

B. Civil Actions (340A.801)

A spouse, child, parent, guardian, employer or other person injured in person, property or means of support or who incurs other pecuniary loss by an intoxicated person has a right of action in the person's own name for all damages sustained against a person who caused the intoxication by illegally selling alcohol.

C. Notice of Injury (340A.802)

Notice. A person who claims damages from a licensed retailer of alcohol under liquor liability must give a written notice to the licensee within 240 days of the date of entering an attorney/client relationship. No action

may be maintained unless commenced within two years after the injury. A claimant who in bad faith gives notice to a licensee who did not sell to the intoxicated person is subject to liability for actual damages including attorney fees.

D. Insurance Not Required.

Exceptions to the insurance requirements apply to: (340A.409)

1. On-sale 3.2 beer licenses with sales of less than \$25,000 of beer for the preceding year,
2. Off-sale 3.2 beer licenses with sales of less than \$50,000 of beer for the preceding year,
3. Holders of on-sale wine licenses with sales of less than \$25,000 for wine for the preceding year,
4. Holders of temporary wine licenses.

XI. MISCELLANEOUS

A. Notice Posting (340A.410, Subd. 4 and 4A)

1. A retail license to sell alcoholic beverages must be posted in a conspicuous place in the premises for which it is used.
2. A premises licensed for the retail sale of alcoholic beverages and a municipal liquor store must post and maintain in a conspicuous place clearly visible to customers within the licensed premises: one sign, 14 and 1/2 inches wide by 8 inches high as designed by the commissioners of health and public safety, which incorporates the following information: (1) the penalties of driving while under the influence of alcohol; (2) penalties for serving alcoholic beverages to a person who is obviously intoxicated or under 21 years of age; and (3) warning statement regarding drinking alcohol while pregnant. Signs are available from the alcohol enforcement/licensing section of the Division of Alcohol and Gambling Enforcement.

B. Keg Registration (340A.513)

No off-sale alcoholic beverage license holder or municipal liquor store may sell a seven gallon or larger beer keg at retail without first placing a registration label on the keg. Registration Labels Must:

- Be of durable material not easily damaged removed
- Information on the Label must include the retailer's name, address and telephone number
- The label must be numbered in order established by retailer
- The label must contain a warning against removing or defacing
- Upon the kegs return, the label is to be removed and retained by the retailer for 90 days

Keg Registration Record Information

An off-sale licensee or Municipal liquor store who sells a beer keg must at the time of sale record:

- Purchaser's License or ID #
- Date and time of Purchase
- ID Number Assigned to Keg

- Purchaser's Signature
- Information recorded must be kept for 90 days

C. Containers Brought Into Premises (340A.512)

A licensed retailer of alcoholic beverages may prohibit any person from bringing into their licensed premises any container of alcoholic beverages, or from consuming from such a container on their licensed premises, without the licensee's permission

D. Removal of Wine from Restaurant (340A.404, Subd. 11)

A restaurant with an on-sale or wine license may permit a person purchasing a full bottle of wine in conjunction with the purchase of a meal, to remove the bottle when leaving the license premises provided that the bottle has been opened and the contents partially consumed.

E. Wine Tasting and Sampling (340A.418,419 & 340A.510)

1. Minnesota Statute 340A.418 and 340A.419 govern wine tasting conducted at on-sale licensed locations. A "wine tasting" is an event of not more than four hours' duration at which persons pay a fee or donation to participate. Consumers are allowed to sample wine by the glass without paying a separate charge for each glass. A charitable, religious, or other nonprofit organization may conduct a wine tasting on premises the organization owns or leases or has use donated to it if the organization holds a valid temporary on sale intoxicating liquor license issued to it under the provisions of Minnesota Statute 340A.404 subdivision 10. A charity, non profit group or exclusive liquor store may also hold a tasting on the licensed premises of a holder of an on-sale intoxicating liquor license that is not a temporary license. The net proceeds from the wine tasting for charitable or non-profit organizations may only be used for the organization's primary nonprofit purpose. Exclusive off-sale liquor store tasting fees may be used only to defray the cost of conducting the wine tasting.

No wine at a wine tasting under this section may be sold, or orders taken, for off-premises consumption. An exclusive off-sale wine tasting may allow participants to fill out a form indicating wine preference which can be kept at the liquor store for use by the customer in a future wine purchase. Wine for a wine tasting conducted under this section may be obtained from a wholesaler licensed to sell wine, and the wholesaler may sell or give wine to an organization for a wine tasting conducted under this section and may provide personnel to assist in the wine tasting. A wholesaler who sells or gives wine to an organization for a wine tasting under this section must deliver the wine directly to the location where the wine tasting is conducted.

2. Minnesota Statute 340A.510. On or off-sale retail licenses and municipal liquor stores may provide or allow a licensed manufacturer or wholesale representative to provide samples of malt liquor, wine, liqueurs, cordials, and distilled spirits which the licensee or municipal liquor store currently has in stock and is offering for sale to the general public. The alcoholic beverages must be dispensed at no charge and consumed on the licensed premises during the permitted hours of sale. Quantities

dispensed shall be less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer, 25 milliliters of liqueur or cordial, and 15 milliliters of distilled spirits per variety per customer.

F. Purchasing Product

A licensee may only purchase alcoholic beverages from Minnesota wholesalers. Retailers may not swap, trade or purchase liquor from each other. Invoices for alcohol purchase must be maintained at the licensed premise for two years. Case deals for distilled spirits and wine may not exceed 25 cases.

G. Drawing or Lottery

A Licensee may conduct a drawing or lottery to give away any item under certain conditions including the statement on all advertising that *no purchase is necessary* to register for the drawing. There must be a closing date for the drawing. All drawings must adhere to MS Sec. 609.75.

H. Copacks

Minnesota law allows a wholesaler to sell a copack of intoxicating liquor to a retailer where the items are prepackaged but for no up charge. If the copack is from a manufacturer or importer, it shall be equally available to all Minnesota licensed wholesalers under identical terms and conditions. All Minnesota wholesalers can contractually bill back to the importer or manufacturer, on an equal basis, labor costs for copacking. Any item that can legally be sold in Minnesota may be copacked. If the copack item is an item other than an alcoholic beverage, there can be no up charge.

I. Brewer/Wholesaler Personnel in Retailer's Location

Supplier visits to a retailer are not to be advertised or pre-announced in any way. There can be no outdoor signs advertising the visit at the retailer. Supplier representatives cannot provide the retailer with any item of value nor can they hand out clothing items or any prizes of substantial value to the retailer or the consumer. Suppliers cannot target and return only to select retailers. They must provide the visits equally to all retailers in their trade area. On premise visits cannot result in product exclusivity or supplier reimbursed drink specials for the visiting suppliers brand. Supplier personnel may approach and talk to the consumer and handout literature about their product. They may also handout items such as buttons, key chains, bottle openers and other items of minimal value. (Items handed out at the retailer must have pre-approval of the Alcohol and Gambling Enforcement Division prior to the give away.)

J. Computer Programs

A recurring question is whether it is legal for a beer wholesaler to provide computer-generated information or analysis for retailers.

Computer analysis is a thing of value, which is not exempted in MS 340A.308. If data and information is provided by the retailer and used by the distributor to gain a competitive advantage for their product. Use of the wholesaler's personnel by a retailer is also a thing of value for the retailer.

K. Inside Signs and Promotional Material

Every brewer and wholesaler may each give \$300 to a retailer in a year for inside signs and other promotional material. The wholesaler has the option to combine their \$300 with one or more breweries. This will be based on a calendar year. [340A.308(b) 2]

L. Importation Restrictions/Wholesale Warehouse (340A.3021 and 340A.305 subd 2)

No Person may consign, ship, or deliver alcoholic beverages to any place in Minnesota except to a licensed wholesaler's warehouse.

(Exceptions)

1. Alcoholic beverages passing through the state in transit to another state.
2. Alcoholic beverages imported into Minnesota for personnel use by a person over the 21 or over in the legal amounts. (As defined in MN Statutes 297C and 340A.417, copies available upon request)
3. Alcoholic beverages delivered "In Transit" to a manufacturer's licensed warehouse located in Minnesota

M. Brand Registration (340A.311)

No Alcoholic beverages may be manufactured, imported into, or sold in the State of Minnesota unless the brand has been registered with the Division of Alcohol and Gambling Enforcement

N. Inspection Authority (340A.907)

The commissioner of public safety or any duly authorized employee may, at all reasonable hours, enter in and upon the premises of any alcoholic beverage licensee or permit holder under this chapter to inspect the premises and examine the books, papers, and records of a manufacturer, wholesaler, importer, or retailer for the purpose of determining whether alcoholic beverage regulations are being complied with. (MN Statute 340A.907)

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This Booklet is intended to familiarize you with the state liquor laws and rules. It is not intended to replace either the laws or rules. It is a guide only. While the division attempts to upgrade this booklet as often as possible, there may be changes that are not reflected in this publication. To obtain the complete listing of all Minnesota Liquor Laws and Rules, a book is available for purchase from the State of Minnesota, Department of Administration, Print Communications Division at (612)297-3000.

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