



# MINNESOTA LIQUOR LAWS AND RULES

Manufacturing, Wholesale and Retail

This book is intended to familiarize you with the state liquor laws and rules. Current liquor laws may not be represented in this booklet as changes are made from time to time.

A complete listing of all Minnesota liquor laws and rules can be found at: <https://www.revisor.mn.gov/statutes/?id=340a> and <https://www.revisor.mn.gov/rules/?id=7515>.

A hard copy is also available for purchase from the State of Minnesota, Department of Administration; Print Communications Division: 651-297-3000.

## **CONTACTS**

**Main Number:**

651-201-7500 or <https://dps.mn.gov/divisions/age>

**Alcohol: Retail license and identification card**

651-201-7507

**Alcohol: Wholesale, import and brand label information**

651-201-7531

**Liquor compliance and alcohol related inquires/complaints**

651-201-7502

**Supervises office support staff and alcohol related inquiries/complaints**

651-201-7511

**Mailing Address:**

445 Minnesota Street | Suite 222 | St. Paul, MN 55101

# TABLE OF CONTENTS

Section	Page
I. Manufacturer/Wholesaler Licenses	1
II. Brewery	1
III. Brewpub	2
IV. Distilleries	4
V. Farm Winery License	4
VI. Wholesale and Import Licenses	5
VII. Brand Registration	6
VIII. Transactions	6
IX. Retail Licenses	8
X. Off-Sale Licenses and Restrictions	8
XI. On-Sale License and Restrictions	11
XII. Additional Information for Licensees	15
XIII. Persons Under 21 — Illegal Acts	19

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

# MANUFACTURER/WHOLESALE LICENSES

## BREWERY

### I. MANUFACTURER/WHOLESALE LICENSES

#### **A. License required**

1. Manufacture/Wholesale (340A.301 subdivision 1) No person may directly or indirectly manufacture or sell alcoholic beverages at wholesale without obtaining the appropriate license.
2. Import (340A.302) No person may import alcoholic beverages into Minnesota without obtaining an Importer's license.
3. 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 (340A.301 subdivision 2)**

1. Must be of good moral character and repute,
2. 21 years of age,
3. Have no felonies or record of any alcoholic beverage violations or license revocations in the last five years,
4. May not own or have any direct or indirect interest in any alcoholic beverage retailer.

### II. BREWERY

#### **A. Brewery On-Sale Taproom (340A.26)**

1. A brewer taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer.
2. Taproom license is issued by municipality after state approved manufacturing license.
3. Brewer may also hold license to operate a restaurant at the site of the taproom.
4. A municipality may not issue a brewer taproom license to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.
5. With additional license, Sunday on-sale is authorized. (See municipality for further restrictions)

## **B. Growlers (Brewer off-sale 340A.285)**

1. A brewer may be issued a license by a municipality for off-sale of malt liquor that has been produced and packaged by the brewer at its licensed premises. The amount of malt liquor sold at off-sale may not exceed 500 barrels annually.
  - a. The malt liquor shall be packed in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles.
  - b. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle.
  - c. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, alcohol contain and bear the name and address of the brewer selling the malt liquor.
2. Days and hours of brewer off-sale:
  - a. 8:00 am to 10:00 pm, all days of week
  - b. No sales Thanksgiving, Christmas, or after 8 pm on Christmas Eve

## **III. BREWPUB**

### **A. Brewpubs: On-Sale License (340A.24)**

1. Brewers who also hold one or more retail on-sale licenses and who manufacture fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises,
2. The entire production of which is solely for consumption on tap on any licensed premises owned by the brewer or for off-sale from those licensed premises.
3. A brewer licensed under this clause must obtain a separate license for each licensed premises where the brewer brews malt liquor.
4. A brewer licensed under this clause may not be licensed as an importer under this chapter

# BREW PUB

## B. Growlers (Brewer off-sale 340A.285)

1. A brewer may be issued a license by a municipality for off-sale of malt liquor that has been produced and packaged by the brewer at its licensed premises. The amount of malt liquor sold at off-sale may not exceed 500 barrels annually.
  - a. The malt liquor shall be packed in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles.
  - b. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle.
  - c. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, alcohol contain and bear the name and address of the brewer selling the malt liquor.
2. Days and hours of brewer off-sale:
  - a. 8:00 am to 10:00 pm, all days of week
  - b. No sales Thanksgiving, Christmas, or after 8 pm on Christmas Eve

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

### **Comparison of regulations for Microbrewery license and Brewpub licenses**

<b>Microbrewery</b>	<b>Brewpub</b>
Can self-distribute to retail with additional license	Cannot self-distribute; product can only be sold at brewpub or restaurants under their same company
Cannot serve any other product than one produced on-site	Full on-sale or Wine with Strong Beer
Can have taproom adjacent to brewery with additional license	Restaurant is their taproom
Sunday sales allowed, no restaurant requirement	Sunday sales allowed
Can sell off-sale growlers of product that is produced on-site; includes Sundays	Can sell off-sale growlers of products that are produced on-site; includes Sundays



# DISTILLERIES

## FARM WINERY LICENSE

### **IV. DISTILLERIES 340A.22**

#### **A. Distillery Cocktail Room**

1. A distillery licensed under this chapter may provide on its premises samples of distilled spirits manufactured on its premises, in an amount not to exceed 15 milliliters per variety per person. No more than 45 milliliters may be sampled under this paragraph by any person on any day.
2. A distillery cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller.
3. Cocktail room license is issued by municipality after state approved manufacturing license.
4. Distiller may also hold license to operate a restaurant at the site of the taproom.
5. A distiller may only have one cocktail room license under this subdivision, and may not have an ownership interest in an additional distillery.
6. No single entity may hold both a cocktail room and taproom license, and a cocktail room and taproom may not be co-located.
7. Hours of sales; 8 am to 1 am Monday through Friday, Sunday with additional food requirement.

#### **B. Distillery Off-Sale (340A.22 Sub 3)**

1. A Micro distillery may be issued a license by the local licensing authority for off-sale spirits. The license allows the sale of one 375 milliliter bottle per customer per day of product manufactured on-site, subject to the following requirement:
  - a. Off-sale hours must conform to hours of sale for retail off-sale license in the licensing municipality and
  - b. No brand may be sold at the microdistillery unless it is also available for distribution by wholesalers

### **V. FARM WINERY LICENSE**

#### **A. Farm Winery Manufacturing (340A.315)**

1. The commissioner may issue a farm winery license to the owner or operator of a farm winery located within the state and producing table, sparkling, or fortified wines.
2. A farm winery license must be issued for operation of a farm winery on agricultural land, operating under an agricultural classification, zone, or conditional use permit.

# WHOLESALE AND IMPORT LICENSES

3. Minnesota-produced or -grown grapes, grape juice, other fruit bases, or honey must be the majority (51%) of the table, sparkling, or fortified wine produced by a farm winery
4. A license authorizes the sale, on the farm winery premises, of table, sparkling, or fortified wines produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of 75,000 gallons

## **B. Farm Winery On-sale/Off-sale**

1. Wine can be sold by the glass or bottle from 8 am to 1 am, Monday through Saturday.
2. Sales can be made on Sunday from 10 am to 12 am

## **C. Farm Winery Distillery**

1. Farm wineries licensed under this section are permitted to manufacture distilled spirits as defined under section 340A.101, subdivision 9, which may exceed 25 percent alcohol by volume, made from Minnesota-produced or Minnesota-grown grapes, grape juice, other fruit bases, or honey.
  - a. no farm winery or firm owning multiple farm wineries may manufacture more than 5,000 gallons of distilled spirits in a given year, and this 5,000 gallon limit is part of the 50,000 gallon limit
  - b. farm wineries must pay an additional annual fee of \$50 to the commissioner before beginning production of distilled spirits

## **VI. WHOLESALE & IMPORT LICENSES**

- A.** Wholesaler is a person who sells alcoholic beverages to municipal stores and holders of alcohol beverage licenses issued by MN from a stock maintained in a warehouse in the state. (M.S. 340A.301; 340A.310; 340A.305)
  1. Distilled Spirits Wholesale License
  2. Wine Wholesale License (up to 25%)
  3. Malt Beverage Wholesale License
- B.** Importer license; no retailer or other person may ship or cause to be shipped alcoholic beverages or ethyl alcohol for personal use or to a licensed manufacturer or wholesaler without obtaining an importer's license from the commissioner. (M.S. 340A.302)
  1. Distilled Spirits and Wine (up to 25%) Import License
  2. Malt Beverage Import License
  3. Excludes personal use defined in M.S. 297G.07



# BRAND REGISTRATION TRANSACTIONS

## VII. BRAND REGISTRATION

### **A. Brand Registration (340A.311)**

1. A brand of intoxicating liquor or 3.2 percent malt liquor may not be manufactured, imported into, or sold in the state unless the brand label has been registered with and approved by the commissioner. A brand registration must be renewed every three years in order to remain in effect. The fee for an initial brand registration is \$40. The fee for brand registration renewal is \$30. The brand label of a brand of intoxicating liquor or 3.2 percent malt liquor for which the brand registration has expired, is conclusively deemed abandoned by the manufacturer or importer.
2. In this section "brand" and "brand label" include trademarks and designs used in connection with labels.
3. The label of any brand of wine or intoxicating or non-intoxicating malt beverage may be registered only by the brand owner or authorized agent. No such brand may be imported into the state for sale without the consent of the brand owner or authorized agent. This section does not limit the provisions of section 340A.307.
4. The commissioner shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor brand label already registered, if the brand label states or implies in a false or misleading manner a connection with an actual living or dead American Indian leader. This paragraph does not apply to a brand label registered for the first time in Minnesota before January 1, 1992.

## VIII. TRANSACTIONS

### **A. Breweries/Malt Beverage 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,
  - b. Give, lend, lease, or sell furnishing or equipment to a retailer;
  - c. Malt Beverages must be paid for on delivery
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.

# TRANSACTIONS

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
  - 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 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

## **B. Joint Purchases**

1. The joint purchase by two or more licensed retailers of up to 300, 1.75 liter or smaller, bottles of distilled spirits or wine for resale to the public is lawful. Each individual licensee must be invoiced and separately delivered products to each establishment
2. A variable volume price offered by a wholesaler to a licensed retailer on sales of distilled spirits or wine may not be for a quantity of more than 25 cases

## **C. Invoices, Delivery and Discrimination (MN Rule 7515.300, subpart 2; 3; 7)**

1. Manufacturers and wholesalers and their respective agents or employees shall not sell or deliver alcoholic beverages to any person, club, or business establishment unless the purchaser is licensed or authorized to sell the respective beverages at retail.
2. Manufacturers and wholesalers shall furnish a written invoice to each retailer for the alcoholic beverages sold and delivered to retailers. The invoice must clearly identify seller and purchaser, date, quantity, brand names of products sold and the prices.
3. Minnesota manufacturers and wholesalers shall not discriminate in the sale of their products to retailers except that manufacturers or wholesalers may refuse to sell alcoholic beverages to a retailer who may have violated any law, rule, or municipal ordinance relating to the sale of alcoholic beverages at retail, or who has breached a contract for sale with the manufacturer or wholesaler.

# RETAIL LICENSES

## OFF-SALE LICENSE AND RESTRICTIONS

### IX. RETAIL LICENSES

#### **A. License required**

1. 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.
2. It is a gross misdemeanor to sell an alcohol beverage without a license authorizing sale (340A.702)

#### **B. Persons Eligible for License**

1. Retail (340A.402)
  - a. No retail license may be issued to a person under the age of 21
  - b. To a person who has held, or had an interest in, an alcoholic license that was revoked for a violation of alcohol laws within five years
  - c. To a not person of good moral character and repute.
  - d. No retail license may be issued to a person who has a direct or indirect interest in a manufacturer or wholesaler of alcoholic beverages.
  - e. 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.

### X. OFF-SALE LICENSE & RESTRICTIONS

#### **A. Off-Sale Licenses & Restrictions**

1. A city/county may issue an off-sale liquor license to an exclusive liquor store. (340A.405)
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, Sub 5)

# OFF-SALE LICENSE AND RESTRICTIONS

3. A municipality may not issue more than one off-sale license to any person or for any one place. (340A.412, Sub 3)
4. A municipality may not allow the same business name to be used by more than one of its off-sale intoxicating liquor license holders. (340A.412, sub3)

## **B. Exclusive Liquor Store**

1. "Exclusive liquor store" is an establishment used exclusively for the sale of those items authorized in section (340A.412, subdivision 14). An exclusive liquor store may sell alcoholic beverages and the following items:
2. Products that contain more than one-half of one percent alcohol by volume
3. Ice
4. Beverages designed for mixing with alcohol
5. Soft drinks
6. Liqueur-filled candies
7. Tobacco products
8. Cork extraction devices
9. Books and videos on the use of alcoholic beverages
10. Magazines and other publications published primarily for information and education on alcoholic beverages
11. Home brewing equipment, including ingredients
12. Devices designed for safe storage of alcohol
13. Single use bags designed to carry purchased items
14. Clothing marked with specific name/logo of exclusive liquor store

# OFF-SALE LICENSE AND RESTRICTIONS

## **C. Hours and Days of Sale (340A.504)**

No off-sale on the following:

1. Sunday (not including breweries/brewpubs growlers)
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. Thanksgiving Day.
6. Christmas Day.

## **D. Off-sales Keg Registration (340A.513)**

No off-sale alcoholic beverage license holder or municipal liquor store may sell a 7 gallon or larger beer keg at retail without first placing a registration label on the keg. Keg Registration Labels must be of durable material not easily damaged or removed. The label must contain the following information:

1. Retailer's name, address and telephone number
  - a. Numbered in an order established by retailer
  - b. A warning against removing or defacing

\* Upon the kegs return, the label is to be removed and retained by the retailer for 90 days

## **E. Keg Registration Record Information**

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

1. Purchaser's License or ID #
2. Date and time of Purchase
3. ID Number Assigned to Keg
4. Purchaser's Signature

\*Information recorded must be kept for 90 days

# ON-SALE LICENSE AND RESTRICTIONS

## **F. No Off-Site Storage (340A.412 Sub 12)**

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.

## **G. Employment of Minors (340A.412 Sub 12)**

No person under 18 years of age may serve or sell intoxicating liquor in a retail intoxicating liquor establishment.

## **XI. ON-SALES LICENSE & RESTRICTIONS**

### **A. On-Sale License & Restrictions (340A.404)**

1. A city or county may issue a 3.2 beer license for on- or off- premise sale.
2. First class cities may issue one on-sale liquor license for every 1,500 population, up to 200 licenses. (340A.413)
3. A city may issue an on-sale intoxicating liquor license to the following:
  - a. Hotels
  - b. Restaurants
  - c. Bowling centers
  - d. Exclusive liquor stores.
  - e. Theaters (with live performances)
  - f. Clubs - provided:
    1. Existence for at least 3 years
    2. Occupies a location for 1 year
    3. Sales to members and bona fide guests only (guest book required)

### **B. Caterer's Permit (340A.404. Subdivision 12)**

The commissioner may issue a caterer's permit to a restaurant that holds a valid on-sale intoxicating liquor license issued by any municipality. The holder of a caterer's permit may sell intoxicating liquor in-conjunction with their food service at a place other than their licensed premises. The permit holder must notify either the police chief or the county sheriff, of where the event will take place.

\*All statutes and regulations that apply to licensed premise apply when utilizing alcohol catering permit.

# ON-SALE LICENSE AND RESTRICTIONS

## **C. Hours & Days of Sale (340A.504)**

1. On-Sale
  - a. Sales made from 8 AM to 1 AM all days of week
2. 2 AM Permit
  - a. Sales after 1 AM, licensees need to apply for a special 2:00 AM permit. The fee for the license depends on the licensee's prior year of liquor sales receipts
3. Sunday Sales
  - a. City/county may issue Sunday on-sales license to a restaurant

\*Check with local municipalities for further restrictions on hours and days of sale

## **D. Wine On-Sale licenses (340A.404 Subdivision 5) and on-sale of strong beer.**

1. A municipality may issue an on-sale wine license to an establishment that has at least 25 seats. This permits the sale of wine up to 24% alcohol.
2. Establishment must be a restaurant determined by health department or county equivalent.

(Note: city/county ordinances may require further conditions to obtain license)

## **E. Removal of Wine from Restaurant (340A.404, Subdivision 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.

## **F. 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

## **G. No Off-Site Storage (340A.412 sub 12)**

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.



# ON-SALE LICENSE AND RESTRICTIONS

## **H. Employment of Minors (340A.412 Sub 12)**

No person under 18 years of age may serve or sell intoxicating liquor in a retail intoxicating liquor establishment.

## **I. Temporary Licenses & Restrictions**

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, Subdivision 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.
  - a. The license may not be for more than 4 consecutive days and one location within a 12 month period.
  - b. The licensee is allowed to serve off their licensed premise under the temporary licenses or may contract with an on-sale licensee holder for the event (excludes seasonal licenses).
  - c. The licenses are subject to the terms, including a license fee, imposed by the issuing city/county. (340A.404, Subdivision 10)

## **J. Restrictions for Temporary Licenses (340A.404 subdivision 10)**

1. A municipality may issue a 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 5,000 or fewer people.)
3. A municipality that issues separate temporary wine and liquor licenses may apply the above named limits separately for each license type.

# ON-SALE LICENSE AND RESTRICTIONS

## **K. Special Provisions (340A.404 subdivision 4)**

The governing body of a municipality may authorize the holder of retail on-sale intoxicating liquor license issued by the municipality to serve 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. The licensee must be serving intoxicating liquor at an event held by a person or organization permitted to use the premises and may only serve intoxicating liquor to persons attending the licensed event.

## **L. Community Festivals (340A.404 subdivision 4)**

1. The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to serve intoxicating liquor off their licensed 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.
2. A municipality shall not grant authorization unless the licensee demonstrates that it has liability insurance as prescribed by section 340A.409 to cover the event.

## **M. 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.

## **N. 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

## **O. 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.

# ADDITIONAL INFORMATION FOR LICENSEES

## XII. ADDITIONAL INFORMATION FOR LICENSEES

### **A. 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)

### **B. Notice Posting (340A.410, Subdivision 4 and 4A)**

A retail license to sell alcoholic beverages must be posted in a conspicuous place in the premises for which it is used.

### **C. Responsibilities of Licensee (340A.501)**

Every licensee is responsible for the conduct in the licensed establishment and any sale of alcoholic beverage by any employee authorized to sell alcoholic beverages in the establishment is the act of the licensee

### **D. Licensee May not Sell for Resale (340A.505)**

A retail licensee may not sell alcoholic beverages to any person for the purpose of resale or to any person whom the licensee has reason to believe intends to resell the alcoholic beverage without written approval of the commissioner.

### **E. Records Retention (7515.0550)**

All retailers must keep in their licensed premises for a period of two years the records and invoices of all purchases and sales of two cases or more of alcoholic beverages. The invoices must state the date, from whom purchased or to whom sold, the quantity, the brand name, size of containers, and price.

### **F. Sales to Obviously Intoxicated Persons (340A.502 & 340A.702)**

No person may sell, give, furnish, or in any way procure for another alcoholic beverage for the use of an obviously intoxicated person.

\*Gross Misdemeanor Offense

# ADDITIONAL INFORMATION FOR LICENSEES

## **G. Location Restrictions for Liquor**

No liquor can be sold in the following areas:

1. Where restricted through zoning ordinances.
2. On or within Capital grounds
3. On State Fairgrounds (with some exceptions)
4. Within 1000 feet of state hospital, training school, reformatory, prison or institution under Commission of Human Services.
5. Within 1500 feet of public school (not within city)

## **H. Tastings Conducted by an Exclusive Liquor Store (340A.419)**

For purposes of this section, a "tasting" is an event of not more than four hours' duration at which persons pay a fee to participate and are allowed to consume wine, malt liquor, or spirits by the glass without paying a separate charge for each glass

1. The event must be held at licensed on-sale establishment (temporary licenses are excluded)
2. Absolutely no off-sale purchases can be made at time of event; participants may complete form to indicate their preferences for products during tasting
3. Exclusive Liquor store can purchase or obtain the product from wholesaler for tasting event; wholesaler can sell or give product for tasting event and provide personnel to assist in tasting
4. Exclusive liquor that conducts the tasting can only use the fees collected to defray cost of conducting the tasting event
5. Exclusive liquor stores may conduct classes for a fee and allow tastings in the conduct of those classes, provided that the amount served at a class is limited to;
  - a. maximum of six ounces of wine or
  - b. 12 ounces of intoxicating malt liquor (340A.4041)

## **I. Samples (340A.510)**

On- or off-sale retail licensees and municipal liquor stores may provide, or permit a licensed manufacturer or a wholesaler or its agents to provide on the premises of the retail licensee or municipal liquor store, samples of wine, liqueurs, cordials, and distilled spirits;

# ADDITIONAL INFORMATION FOR LICENSEES

1. The retailer must carry any products sampled in their establishment for sale at time of sampling
2. Samples must be free to the public and consumed on premise during permitted hours of sales
3. In quantities less than;
  - a. 50 milliliters of wine per variety per customer
  - b. 25 milliliters of liqueur or cordial
  - c. 15 milliliters of distilled spirits per variety per customer
4. Malt Liquor Samples Authorized;
  - a. Less than 100 milliliters of malt liquor per variety per customer
  - b. Sampling continues for no more than eight hours
  - c. Brewers can purchases from or furnish at no cost to retailer, no more than three cases for each sampling and must deliver product to retailer
  - d. Brewer cannot furnish malt liquor for more than 12 samplings for any retailer in a calendar year
  - e. Samples are dispensed by employee, brewer, or sampling service retained by brewer (cannot be affiliated direct/indirectly with wholesaler)
  - f. Unused product for sampling is returned to the brewer that furnished it.
  - g. Brewer must provide commissioner of DPS with sample notification

(See 340A.510 sub 2 (8) for further details)

## **J. Gambling prohibited. (340A.410, Subdivision 5)**

No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein.

(Some expectations may apply; contact Alcohol and Gambling Enforcement Division)

# ADDITIONAL INFORMATION FOR LICENSEES

## K. License Not Required

1. A person may make wine and brew beer in their home for personal or family use. (340A.301 subdivision 9) DOES NOT INCLUDE DISTILLED SPIRITS.
2. Naturally fermented fruit juices or beer made under this subdivision may be removed from the premises where made for use at organized affairs, exhibitions, or competitions, including, but not limited to, homemaker's contests, tastings, or judging.
3. Public notice meeting the requirements of this paragraph must be given in writing or signage at any tasting. The notice shall include disclosure that the unlicensed naturally fermented fruit juices or beer being offered is homemade and not subject to state inspection, and may be consumed by persons over the age of 21 at their own risk. The notice must include the name and address of the person who processed and bottled the beverage.  
  
\* Naturally fermented fruit juices or beer removed under this subdivision may not be sold or offered for sale.
4. A bed and breakfast facility (340A.4011) does not have to obtain an alcohol beverage license for the serving of wine if it meets the following criteria. It must not have more than eight rooms for rent, more than twenty guests at one time, located on the same property as the owner's personal residence, only serves breakfast served to persons who rent rooms, originally built and occupied as (or was converted to a single-family residence prior to being used) a place of lodging. May provide wine at no additional charge to persons renting rooms at the facility.
  - a. Servings are no more than two glasses of 4 ounce of wine or 12 ounce serving of Minnesota produced beer a day and may be consumed only on the premise.
  - b. A bed and breakfast facility that serves wine or beer must be registered with Alcohol and Gambling Enforcement Division.
  - c. Registration may be revoked for any violation of alcohol beverage laws. (340A.4011)

# PERSONS UNDER 21 — ILLEGAL ACTS

## XIII. 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 driver's 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**

1. It is unlawful for a person under 21 to enter a licensed establishment with the intent to purchase, to be served or delivered any alcohol beverages. However, no city ordinance may prohibit a person 18, 19 or 20 years of age from entering an establishment to:
  - a. Perform work for the establishment, including the serving of alcoholic beverages;
  - b. Consume meals; and
  - c. Attend social functions that are held in a portion of the establishment where liquor is not sold.



# PERSONS UNDER 21 — ILLEGAL ACTS

## **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. Allowed Identification for proof of age**

1. A valid driver's license issued by a US state or Canada that includes the photograph and date of birth of the person;
2. A valid identification card issued by a US state or Canada that includes the photograph and date of birth of the person;
3. A valid military ID issued by the US Department of Defense;
4. A valid passport issued by the United States or a foreign country
5. A MN Tribal ID card which includes a photo, date of birth and expiration date.
6. Valid instructional permit (with photo and birthdate)

## **G. Seizure of False Identification**

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.

To view your license or others, please see our license database at <https://app.dps.mn.gov/age/>

Frequently asked questions at <https://dps.mn.gov/divisions/age/alcohol/Pages/enforcement-faq.aspx>

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 or may be accessed via the internet at [www.revisor.mn.gov/statutes/](http://www.revisor.mn.gov/statutes/)



Minnesota Department of Public Safety  
Alcohol and Gambling Enforcement Division  
445 Minnesota Street, Suite 222  
St. Paul, MN 55101

PH: 651-201-7500 | FAX: 651-297-5259 | TTY:  
612-282-6555

Eleventh Edition January 2016