

MINNESOTA LIQUOR LAWS AND RULES

Manufacturing, Wholesale and Retail



PREFACE

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 revisor.mn.gov/statutes.

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

Alcohol and Gambling Enforcement Division (AGED)

Main Number: 651-201-7500

dps.mn.gov/divisions/age

Alcohol Related Questions

651-201-7507

Mailing Address

445 Minnesota Street | Suite 1600 | St. Paul, MN 55101

CONTENTS

SECTION	PAGE
Manufacturer/Wholesaler Licenses	1
Breweries and Brewpubs	2
Brewer Growlers/Package Off-sale	4
Distilleries	5
Farm Wineries	7
Wholesale and Import License	8
Brand Registration	9
Transactions	10
Retail Licenses	12
Off-Sale Licenses and Restrictions	13
On-Sale License and Restrictions	17
Additional Information for Licensees	23
Persons Under 21 – Illegal Acts	28
Resources	30

Alcohol definitions can be found under MN Statute 340A.101

NOTE: Check local ordinances, they may be more restrictive than state law.

MANUFACTURER/WHOLESALER LICENSES

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. Unlicensed manufacture is a felony (340A.701)
2. Import (340A.302): No person may import alcoholic beverages into Minnesota without obtaining an Importer's license. Unlicensed import is a felony (340A.701)
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.

Persons Eligible for License (340A.301 Subdivision 2)

1. 21 years of age;
2. Have no felonies or record of any alcoholic beverage violations or license revocations in the last five years;
3. May not own or have any direct or indirect interest in any alcoholic beverage retailer.

BREWERIES AND BREWPUBS

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 of more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.
5. Sunday on-sale is allowed if authorized by local jurisdiction.
(See municipality for further restrictions)

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.
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.

BREWERIES AND BREWPUBS

Comparison of Regulations for Microbrewery License and Brewpub Licenses

MICROBREWERY	BREW PUB
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 alcohol product other than those produced on-site.	Can get full on-sale or wine with strong beer licenses.
Can have taproom adjacent to brewery with additional license.	Restaurant is their taproom.
Sunday sales allowed, no restaurant requirement (check local ordinance).	Sunday sales allowed (check local ordinance).
Can sell off-sale growlers (small brewers may be licensed to sell packaged beer) of product that is produced on-site; includes Sundays with additional license.	Can sell off-sale growlers of products that are produced on-site; includes Sundays with additional license.

BREWER GROWLERS/PACKAGE OFF-SALE

Growlers (Brewer Off-Sale 340A.28 and 340A.285)

1. A brewer or brewpub 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 750 barrels annually. (340A.28)
 - 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 content, and bear the name and address of the brewer selling the malt liquor. (340A.285)
 2. Small brewers producing 7,500 barrels or less annually may apply for an additional off-sale license to sell beer they produce in retail packaging cans, bottles, etc. (340A.29)
 - a. Package sales under this license are limited to 128 ounces per person per day.
 - b. Packages sold at off-sale under this license must be made available for sale through wholesale.
 3. Days and hours of brewer off-sale:
 - a. 8 a.m. to 10 p.m. all days of week, or as determined by local authority.
 - b. No sales Thanksgiving, Christmas, or after 8 p.m. on Christmas Eve
- * A municipality may by ordinance further limit the hours of sale.

DISTILLERIES

Distillery Samples (340A.22)

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. (340A.22)

Distillery Cocktail Room

1. 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. (340A.22)
2. Cocktail room license is issued by municipality after state approved manufacturing license.
3. At least 50 percent of the annual production of a microdistillery must be processed and distilled on premise to qualify for cocktail room on-sale.
4. Distiller may also hold license to operate a restaurant at the site of the cocktail room.
5. A distiller may only have one cocktail room license under this subdivision.
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 a.m. to 1 a.m. Monday through Sunday. Sunday with authorization from local authorities.

DISTILLERIES

Distillery Off-Sale (340A.22 Subdivision 4)

1. A microdistillery may be issued a license by the local licensing authority for off-sale spirits. With the approval of the Commissioner of Public Safety.
2. The license allows the sale of can/bottles up to one 750 milliliter bottle per customer per day of product manufactured on-site.
3. Off-sale hours must conform to hours of sale for retail off-sale in the licensing municipality.
4. No brand may be sold at off-sale by the microdistillery unless it is also available for distribution by wholesaler.

FARM WINERIES

Farm Winery Manufacturing (340A.315)

1. The state 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 must be on agricultural land, operating under an agricultural classification, zone, or conditional use permit.
3. 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. Farm winery total production cannot exceed 75,000 gallons annually.

Farm Winery On-Sale/Off-Sale

1. Wine can be sold by the glass or bottle from 8 a.m. to 1 a.m. Monday through Saturday and from 10 a.m. to 12 a.m. on Sunday. A Farm Winery may also apply for a full on sale liquor license.
2. Proof of Financial Responsibility (Liquor Liability) required for all retail conducted by farm winery. (340A.409)

Farm Winery Distillery

1. With an additional license, 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. No farm winery or firm owning multiple farm wineries may manufacture more than 5,000 gallons of distilled spirits in a given year. As of July 1, 2017 at least 50 percent of the annual production must be processed and distilled on premises.

Proof of Financial Responsibility

1. (Liquor Liability) required for all retail licenses issued to Brewers and Distillers (340A.409)
2. Dates of coverage must cover the entire retail license period and cannot lapse during the year.

WHOLESALE AND IMPORT LICENSES

A Wholesaler is a Person Who Purchases Alcohol from a Licensed Manufacturer and Sells It to Retail and Municipal Stores in Minnesota 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 percent alcohol by volume)
3. Malt Beverage Wholesale License

Importer License; No Retailer or Other Person May Ship, or Cause to be Shipped, Alcoholic Beverages or Ethyl Alcohol to a Licensed Manufacturer or Wholesaler, or for Personal Use, Without Obtaining An Importer's License from the Commissioner. (M.S. 340A.302)

1. Distilled Spirits, and Wine up to 25 percent alcohol by volume Import License
2. Malt Beverage Import License
3. Excludes personal use defined in M.S. 297G.07

BRAND REGISTRATION

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 state. 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.
2. The label of any brand of wine or intoxicating or 3.2 percent 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 (unlawful discrimination).
3. 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 Jan. 1, 1992.

TRANSACTIONS

Breweries/Malt Beverage Wholesalers (340A.308)

1. A brewery/beer wholesaler may not directly or indirectly or through a third party give or lend money, credit or other thing of value to a retailer or give, lend, lease, or sell furnishing or equipment to a retailer. 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.
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 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.

Joint Purchases (340A.312)

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.

TRANSACTIONS

Invoices, Delivery and Discrimination (Minnesota Rule 7515.0300, 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.
4. No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday (340A.504 subdivision 4).

RETAIL LICENSES

Retail License Required (340A.401)

1. 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 alcoholic beverage without a license authorizing sale. (340A.702)

Persons Eligible for License

1. Retail Disqualifiers (340A.402). No retail license may be issued to:
 - a. A person under the age of 21;
 - b. 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. A person who has a direct or indirect interest in a manufacturer, brewer or wholesaler of alcoholic beverages.
2. 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.

Proof of Financial Responsibility Required (Liquor Liability Insurance 340A.409)

1. No license can be issued, renewed or maintained without proof of financial responsibility in the form of
 - a. A valid liquor liability insurance policy covering the dates of the license. The policy cannot lapse during the period of the license.
 - b. Policy limits and surety bond in lieu of insurance, see 340A.409.

OFF-SALE LICENSE AND RESTRICTIONS

Off-Sale Licenses and Restrictions

1. A city or 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).
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).

Exclusive Liquor Store Items Allowed (340A.412 Subdivision 14)

Except as otherwise provided in this subdivision, an exclusive liquor store may sell only the following items:

1. alcoholic beverages
2. tobacco products
3. ice
4. beverages, either liquid or powder, specifically designated for mixing with intoxicating liquor
5. soft drinks
6. liqueur-filled candies
7. food products that contain more than one-half of one percent alcohol by volume
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

OFF-SALE LICENSE AND RESTRICTIONS

11. multiple-use bags designed to carry purchased items
12. devices designed to ensure safe storage and monitoring of alcohol in the home, to prevent access by underage drinkers
13. home brewing equipment
14. clothing marked with the specific name, brand, or identifying logo of the exclusive liquor store, and bearing no other name, brand, or identifying logo
15. citrus fruit
16. glassware
17. lower-potency hemp edibles as defined in section 342.01, subdivision 50
18. products that detect the presence of fentanyl or a fentanyl analog

An exclusive liquor store that has an on-sale, or combination on-sale and off-sale license may sell food for on-premise consumption when authorized by the municipality issuing the license.

An exclusive liquor store may offer live or recorded entertainment.

Hours and Days of Sale (340A.504)

Per Statute, no off-sale of alcoholic beverages can occur on the following:

1. Sunday except between the hours of 11 a.m. and 6 p.m., with local approval. Check with local municipality regarding breweries/brewpubs growlers).
2. Before 8 a.m. Monday through Saturday.
3. After 10 p.m. Monday through Saturday.
4. After 8 p.m. Christmas Eve December 24.
5. Christmas Day.
6. Thanksgiving Day.

OFF-SALE LICENSE AND RESTRICTIONS

Off-Sales 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. Keg registration labels must be of durable material not easily damaged or removed.

The label must contain the following information: Retailer's name, address and telephone number, a number specific to that keg in an order established by retailer, and a warning against removing or defacing the label. Upon the kegs return, the label is to be removed and retained by the retailer for 90 days.

An off-sale licensee or municipal liquor store who sells a beer keg must at the time of sale record the purchaser's license or ID number, date and time of purchase, ID number assigned to the keg, and the purchaser's signature. This information must also be kept for 90 days.

Delivery by Off-Sale (MN Rules 7515.0580)

Off-sale liquor retailers may make deliveries of alcoholic beverages from their stores to the residence of a purchaser. Delivery may only go to a person 21 or more years of age not showing signs of obvious intoxication. Delivery cannot be made to alcohol beverage licensed establishments or other public or private place in violation of law or ordinance.

Curbside Pick Up

The term "curbside" pick up is not a legal term related to an alcoholic beverage off-sale. Properly licensed liquor stores may carry out legally purchased product to customer's cars. AGED has advised that liquor stores could conduct curbside pickup, where a liquor store employee would meet a customer at the curb of the liquor store to place product in the vehicle trunk after the completion of a legal sale. The liquor store must be aware of the two elements to an alcoholic beverage sale. The exchange of funds

OFF-SALE LICENSE AND RESTRICTIONS

(payment) and the transfer of product (getting the alcohol into the hands of the consumer). Both tasks require that the person being sold liquor is 21 and over and not showing signs of obvious intoxication. Liquor stores must adhere to the provisions of Minnesota Rule 7515.0570 revisor.mn.gov/rules/7515.0570/. Liquor store employees cannot pass alcohol into the driver's compartment of the vehicle or to persons seated in a motor vehicle.

Curbside pickup at a grocery store with a separate off-sale liquor store would have to treat the pickup sales separate. Grocery can include 3.2 beer in a grocery pickup as that item is legal for sale in the grocery store if the store holds the appropriate license.

Curbside pickup can only occur during the legal hours of alcohol sales in Minnesota.

No Off-Site Storage (340A.412 Subdivision 12)

A holder of any on or off-sale 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.

Employment of Minors (340A.412 Subdivision 10)

No person under 18 years of age may serve or sell intoxicating liquor in any on or off-sale intoxicating liquor establishment.

ON-SALE LICENSE AND RESTRICTIONS

On-Sale License and Restrictions (340A.404)

1. A city or county may issue a 3.2 beer license for on- or off-premise sale. (340A.403 and 340A.411)
2. 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. Culinary on-sale (340A.4041)
 - g. Clubs, provided:
 1. Existence for at least three years
 2. Occupies a location for one year
 3. Sales to members and bona fide guests only (guest book required)
 - h. Resorts as defined in MN Statute 157.15 sub 11
1. A county may issue an on-sale intoxicating liquor license to the following:
 - a. Hotel
 - b. Bowling center
 - c. Restaurant
 - d. Club
 - e. Up to 10 seasonal on-sale licenses
 - f. Culinary on-sale (340A.4041)
 - g. Resorts as defined in MN Statute 157.15 sub 11

ON-SALE LICENSE AND RESTRICTIONS

3. Counties and cities may issue an on-sale wine license and an on-sale malt liquor license to a person who is the owner of a summer collegiate league baseball team or baseball team competing in a league established by the Minnesota Baseball Association.

Alternatively, the license may be issued to a person holding a concessions or management contract with the owner for beverage sales at a ballpark or stadium located within the municipality.

The license is for use for summer collegiate league baseball games, town ball games, and any other events at the ballpark or stadium. A license issued under this paragraph authorizes sales on all days of the week to persons attending baseball games and any other events at the ballpark or stadium.

4. Cities and counties may issue an on-sale intoxicating liquor license to an auto racing facility located in the municipality. The license may authorize sales to persons attending any and all events at the facility. The license authorizes sales on all days of the week. The license may be issued for a space that is not compact and contiguous, provided that the licensed premises may include only the space within a defined area as described in the application for the license.

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

The state 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 and limits that apply to the applicant's on-sale license and licensed premise apply when utilizing an alcohol catering permit.

ON-SALE LICENSE AND RESTRICTIONS

Hours and Days of Sale (340A.504)

1. On-sale: Sales can be made from 8 a.m. to 1 a.m. all days of week if allowed locally.
 2. 2 a.m. Permit: Sales can be made from 1 a.m. to 2 a.m. with extra state issued license. The fee for the license depends on the licensee's prior year of liquor sales receipts
 3. Sunday Sales City/county may issue Sunday on-sales license to a restaurant
- * Check with local municipalities for further restrictions on hours and days of sale

Wine On-Sale licenses (340A.404 Subdivision 5)

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 percent alcohol by volume. Establishment must be a restaurant determined by health department or county equivalent. City and county ordinances may require further conditions to obtain license.

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.

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.

ON-SALE LICENSE AND RESTRICTIONS

No Off-Site Storage (340A.412 Subdivision 12)

A holder of any on or off-sale 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.

Employment of Minors (340A.412 Subdivision 10)

No person under 18 years of age may serve or sell intoxicating liquor in any on or off-sale intoxicating liquor establishment.

Temporary Licenses

1. 3.2 beer: A club or charitable, religious, or other nonprofit 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. A club or charitable, religious or other nonprofit organization in existence for at least three years,.
 - b. A political committee registered under MN Statutes Section 10A.14 or
 - c. 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.
 - d. A brewer who manufactures under 3,500 barrels of beer annually or micro distiller for an event they sponsor.
 - e. A farm winery, with the approval of the Commissioner of Public Safety for an on-sale at a county fair in the county where the farm winery resides.
3. The license may not be for more than four consecutive days and one location within a 12 month period.

ON-SALE LICENSE AND RESTRICTIONS

4. 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. This excludes seasonal licenses.
5. The licenses are subject to the terms, including a license fee, imposed by the issuing city/county (340A.404, Subdivision 10).

Restrictions for Temporary Licenses (340A.410 Subdivision 10)

1. A municipality may issue three four-day, four three-day, six two-day or 12 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 12-month period.
2. A municipality that issues separate temporary wine and liquor licenses may apply the above named limits separately for each license type.

Special Provisions (340A.404 Subdivision 4)

The governing body of a municipality may authorize the holder of a 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.

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.

ON-SALE LICENSE AND RESTRICTIONS

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.

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.

Municipal Licenses (340A.601)

A city having a population of not more than 10,000 may own and operate a municipal liquor store. A city which has established a municipal liquor store may continue to operate it notwithstanding a subsequent change in population.

ADDITIONAL INFORMATION FOR LICENSEES

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. If the commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the licensee or permit holder is subject to revocation pursuant to section 340A.304 in the case of a wholesaler, manufacturer, or importer, and section 340A.415 in the case of a retailer.

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

A retail license to sell alcoholic beverages must be posted in a conspicuous place in the premises for which it is used. A premises licensed for the retail sale of alcoholic beverages and a municipal liquor store must post and maintain in a conspicuous place within the licensed premises clearly visible to consumers: one sign 14.5 inches wide by 8 inches high as designed by the commissioners of health and public safety, which incorporates the following information: the penalties of driving while under the influence of alcohol; penalties for serving alcoholic beverages to a person who is obviously intoxicated or under 21 years of age; and a warning statement regarding drinking alcohol while pregnant. AGED provides these signs for free.

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.

ADDITIONAL INFORMATION FOR LICENSEES

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.

Sales to Obviously Intoxicated Persons (340A.502 and 340A.702)

It is a gross misdemeanor to sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person.

Location Restrictions for Liquor (340A.412 Subdivision 4)

No liquor can be sold in the following areas:

1. Where restricted through zoning ordinances.
2. On or within the state capitol grounds (with some exceptions).
3. On Minnesota State Fairgrounds (with some exceptions).
4. Within 1,000 feet of a state hospital, training school, reformatory, prison or institution supervised by or under control of the commissioners of human services or corrections.
5. Within 1,500 feet of a public school that is not within a city.

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.

ADDITIONAL INFORMATION FOR LICENSEES

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. Fees collected can only be used to defray cost of conducting the tasting event.
5. Exclusive liquor store 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 6 ounces of wine or 12 ounces of malt liquor.

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.

The retailer must carry any products sampled in their establishment for sale at time of sampling. Samples must be free to the public and consumed on premise during permitted hours of sales, and must be less than 50 milliliters of wine per variety per customer, 25 milliliters of liqueur or cordial, 15 milliliters of distilled spirits per variety per customer

Specifically for malt liquor samples:

1. Less than 100 milliliters of malt liquor per variety per customer;
2. Sampling continues for no more than eight hours;
3. Brewers can purchase from or furnish at no cost to retailer, no more than three cases for each sampling and must deliver product to retailer;

ADDITIONAL INFORMATION FOR LICENSEES

4. Brewer cannot furnish malt liquor for more than 12 samplings for any retailer in a calendar year;
 5. Samples are dispensed by employee, brewer, or sampling service retained by brewer; (cannot be affiliated directly or indirectly with wholesaler)
 6. Unused product for sampling is returned to the brewer that furnished it;
 7. Brewer must provide commissioner of DPS with sample notification.
- * See 340A.510 subdivision 2 (8) for further requirements.

Gambling Prohibited. (340A.410, Subdivision 5)

Illegal gambling is prohibited. See dps.mn.gov/divisions/age/ and click on gambling tab for further information on what is allowed and not allowed. Contact AGED for questions related to gambling.

License Not Required, Home Manufacturing (340A.301 Subdivision 11)

1. A person may make wine and brew beer in their home for personal or family use. This does not include distilled spirits.
2. Naturally fermented fruit juices or beer made under this sub division 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 but may not be sold or offered for sale.
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.

ADDITIONAL INFORMATION FOR LICENSEES

License Not Required: Bed and Breakfast (340A.4011)

A bed and breakfast facility does not have to obtain an alcoholic beverage license for the serving of wine if it meets the following criteria: It must not have more than eight rooms for rent for more than 20 guests at one time, it must be located on the same property as the owner's personal residence, provide no meals other than breakfast served to persons who rent rooms, and originally built and occupied as, or was converted to, a single family residence prior to being used as a place of lodging.

The bed and breakfast may provide wine at no additional charge to persons renting rooms at the facility if the servings are no more than two 4-ounce glasses of wine or one 12-ounce serving of Minnesota produced beer a day which may be consumed only on the premise. A bed and breakfast facility that serves wine or beer must be registered with the Alcohol and Gambling Enforcement Division. Registration may be revoked for any violation of alcohol beverage laws.

Local Restrictions (340A.509)

A local authority may impose further restrictions and regulations on the sale and possession of alcoholic beverages within its limits.

PERSONS UNDER 21 – ILLEGAL ACTS

Under 21 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.

Under 21 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.

Under 21 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.

Under 21 Entering Licensed Premises

1. It is unlawful for a person under 21 to enter a licensed establishment with the intent to purchase or to be served or delivered any alcoholic beverage.

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, consuming meals, and attending social functions that are held in a portion of the establishment where liquor is not sold.

PERSONS UNDER 21 – ILLEGAL ACTS

Under 21 Misrepresentation of Age

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

Under 21 Allowed Identification for Proof of Age

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

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.

Driver License Restriction (B Card Restriction)

1. A driver license restriction, commonly referred to as a B Card restriction is when the Minnesota Department of Public Safety Driver and Vehicle Services Division places restrictions on an individual's driver's license related to DWI or other type of alcohol related offense occurring while operating a motor vehicle. The restrictions in most cases make it illegal for the person to have alcoholic beverages. These license restrictions are placed on the individual not on the alcoholic beverage industry. It is not illegal for a liquor store or bar to sell alcoholic beverages to a person

PERSONS UNDER 21 – ILLEGAL ACTS

with driver license restrictions unless the person is under the age of 21 in violation of MN Statute 340A.503 or exhibits signs of obvious intoxication in violation of MN Statute 340A.502. The individual would likely place their driving privileges in jeopardy if caught with alcohol by law enforcement due to they have agreed to the terms of the restriction in order to get their license back.

2. There is no provision in the alcohol beverage statute chapter 340A or MN Rules Chapter 7515 that would prohibit a liquor store or bar from adopting a policy to not sell alcohol to a person with restrictions on their license. It would be a business decision on their part.

RESOURCES

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

Frequently Asked Questions at dps.mn.gov/divisions/age/alcohol/Pages/enforcementfaq.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 651-297-3000 or may be accessed via the internet at revisor.mn.gov/statutes/





Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street | Suite 1600
St. Paul, MN 55101

PH: 651-201-7500 | FAX: 651-297-5259 | TTY: 651-282-6555
age.dps.mn.gov

May 2023