

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2710

03/04/2014 Authored by Hoppe

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act
1.2 relating to alcohol; removing food service requirements for alcohol service;
1.3 changing requirements on service of spirits; allowing on-sale use of infused
1.4 beverages and cocktails; amending Minnesota Statutes 2012, sections 340A.404,
1.5 subdivision 5; 340A.508, by adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 340A.404, subdivision 5, is amended to
1.8 read:

1.9 Subd. 5. **Wine licenses.** (a) A municipality may issue an on-sale wine license with
1.10 the approval of the commissioner to a restaurant having facilities for seating at least
1.11 25 guests at one time. A wine license permits the sale of wine of up to ~~14~~ 24 percent
1.12 alcohol by volume for consumption ~~with the sale of food~~. A wine license authorizes the
1.13 sale of wine on all days of the week unless the issuing authority restricts the license's
1.14 authorization to the sale of wine on all days except Sundays.

1.15 (b) The governing body of a municipality may by ordinance authorize a holder of
1.16 an on-sale wine license issued pursuant to paragraph (a) who is also licensed to sell 3.2
1.17 percent malt liquors at on-sale pursuant to section 340A.411, ~~and whose gross receipts~~
1.18 ~~are at least 60 percent attributable to the sale of food~~, to sell intoxicating malt liquors
1.19 at on-sale without an additional license.

1.20 (c) A municipality may issue an on-sale wine license with the approval of the
1.21 commissioner to a licensed bed and breakfast facility. A license under this paragraph
1.22 authorizes a bed and breakfast facility to furnish wine only to registered guests of the
1.23 facility and, if the facility contains a licensed commercial kitchen, also to guests attending
1.24 private events at the facility.

(d) The State Agricultural Society may issue an on-sale wine license to the holder of a state fair concession contract pursuant to section 37.21, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2012, section 340A.508, is amended by adding a subdivision to read:

Subd. 5. Mixed drinks or cocktails. Mixed drinks or cocktails mixed on the premises that are not for immediate consumption may be consumed on the licensed premises subject to the requirements of this subdivision pursuant to standards published by the commissioner. For purposes of this subdivision, a "mixed drink" includes but is not limited to distilled spirits infused with other ingredients, or other mixed drinks commonly referred to as cocktails. The standards shall provide that:

(1) the mixed drinks or cocktails be stored, for no longer than 72 hours, in a labeled container in a quantity that does not exceed five gallons;

(2) infused beverages may be stored in containers in a quantity of five gallons or larger, for a time to be set in the standards, but at least ten days;

(3) added flavors and other nonbeverage ingredients included in the mixed drinks or cocktails shall not include hallucinogenic substances or added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine; and

(4) the licensee keep records as to when the contents in a particular container were mixed and the recipe used for that mixture.

EFFECTIVE DATE. This section is effective the day following final enactment.