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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3868**

03/15/2018 Authored by Fenton
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to liquor; clarifying provisions relating to brewing and winemaking on
1.3 premises; amending Minnesota Statutes 2016, sections 340A.33; 340A.34.

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

1.5 Section 1. Minnesota Statutes 2016, section 340A.33, is amended to read:

1.6 **340A.33 BREW ON PREMISES STORE.**

1.7 Notwithstanding anything in this chapter, the owner of a brew on premises store shall
1.8 not be considered a brewer, manufacturer, wholesaler, or retailer of intoxicating liquor if
1.9 the owner complies with this section and with Code of Federal Regulations, title 27, part
1.10 25, subpart L, sections 25.205 and 25.206. For purposes of this section, a brew on premises
1.11 store is a facility that provides the ingredients and equipment for a customer to use to brew
1.12 malt liquor at the store. Alcoholic beverages may not be sold or otherwise provided to
1.13 customers of a brew on premises store, unless the owner of the brew on premises store holds
1.14 the appropriate liquor license, except that the tasting of malt liquor that is brewed by a
1.15 customer or employee at the brew on premises store shall be permitted, if the malt liquor
1.16 is not sold or offered for sale and is provided on the premises of the brew on premises store.
1.17 Customers using the brew on premises store must be of the minimum age required to purchase
1.18 intoxicating liquor. Malt liquor brewed by a customer in the store must not be sold and must
1.19 be used by the customer solely for personal or family use.

1.20 Sec. 2. Minnesota Statutes 2016, section 340A.34, is amended to read:

1.21 **340A.34 WINEMAKING ON PREMISES STORE.**

2.1 A commercial establishment in which individuals make wine on the premises for personal
2.2 and family use only and not for resale, using ingredients or materials or both supplied by
2.3 the establishment, is not required to be licensed under this chapter if the establishment is
2.4 operated in accordance with Code of Federal Regulations, title 27, section 24.75. No person
2.5 under the age of 21 years may participate in the making of wine in such an establishment.
2.6 Alcoholic beverages may not be sold or otherwise provided to customers of an establishment
2.7 described in this section unless the establishment holds the appropriate license for such sale
2.8 or provision, except that the tasting of wine that is made by a customer or employee at the
2.9 winemaking on premises store shall be permitted, if the wine is not sold or offered for sale
2.10 and is provided on the premises of the brew on premises store.