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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2021

03/08/2021 Authored by Kotyza-Witthuhn
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to liquor; allowing off-sales of alcoholic beverages by certain on-sale
1.3 licensees during the COVID-19 peacetime emergency; amending Laws 2020,
1.4 chapter 75, section 1.

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

1.6 Section 1. Laws 2020, chapter 75, section 1, is amended to read:

1.7 Section 1. LIMITED OFF-SALE FOR RESTAURANTS CLOSED BY EXECUTIVE
1.8 ORDER.

1.9 (a) A qualifying licensee may offer off-sales of malt liquor, hard seltzer, cider, and wine,
1.10 and cocktails with a prepared food take-out order, without obtaining an additional license,
1.11 subject to the following limitations:

1.12 (1) any sale of malt liquor, hard seltzer, cider, and wine, and cocktails is made in
1.13 conjunction with and is incidental to the sale of prepared food for take-out;

1.14 (2) the alcoholic beverages other than cocktails are sold in their original, unopened
1.15 packaging;

1.16 (3) cocktails must be packaged in a container with a secure lid or cap and in a manner
1.17 designed to prevent consumption without removal of the lid or cap;

1.18 (3) (4) no more than 72 ounces in total of malt liquor, hard seltzer, and cider; and 750
1.19 milliliters of wine; and 34 ounces of cocktails may be sold per prepared food take-out order;

2.1 ~~(4)~~ (5) the qualifying licensee must confirm that the person picking up the prepared food
 2.2 take-out order is at least 21 years of age as provided by Minnesota Statutes, section 340A.503,
 2.3 subdivision 6; and

2.4 ~~(5)~~ (6) the qualifying licensee must notify the insurer providing the coverage required
 2.5 by Minnesota Statutes, section 340A.409, that it is making off-sales under this section.

2.6 (b) All laws and rules relating to the off-sale of liquor under Minnesota Statutes, chapter
 2.7 340A, not inconsistent with this section apply to the sales allowed by this section including
 2.8 but not limited to Minnesota Statutes, sections 340A.502 to 340A.504. No delivery of
 2.9 alcoholic beverages is authorized by this section.

2.10 (c) The governing body of a municipality may elect to prohibit the off-sale of alcoholic
 2.11 beverages authorized by this section.

2.12 (d) For purposes of this section, "qualifying licensee" means a restaurant holding an
 2.13 on-sale intoxicating liquor license issued under Minnesota Statutes, section 340A.404,
 2.14 subdivision 1, paragraph (a), clause (2), or subdivision 6, paragraph (a), or a restaurant
 2.15 holding an on-sale wine license issued under Minnesota Statutes, section 340A.404,
 2.16 subdivision 5. Nothing in this section affects or modifies the ability of a licensed brewer to
 2.17 make off-sales of alcoholic beverages under law.

2.18 (e) The authority to make off-sales of malt liquor, hard seltzer, cider, ~~and wine, and~~
 2.19 cocktails under this section expires when the closure of restaurants as set forth in Executive
 2.20 Order 20-04, as modified and extended by Executive Orders 20-18 and 20-33, or any
 2.21 subsequent order, expires, or is terminated or rescinded.

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

2.23 **Sec. 2. OFF-SALE OF MALT LIQUOR IN GROWLER OR CROWLER.**

2.24 (a) A holder of an on-sale intoxicating liquor license may make off-sales of malt liquor
 2.25 not exceeding 128 ounces per customer per day packaged in a growler or crowler. Sales
 2.26 authorized under this paragraph must meet the standards set forth in Minnesota Statutes,
 2.27 section 340A.285.

2.28 (b) The authority to make off-sales under paragraph (a) is in addition to any authority
 2.29 that may be granted by Laws 2020, chapter 75, section 1.

2.30 (c) This section expires when the COVID-19 Peacetime Emergency declared in Executive
 2.31 Order 20-01, and extended by orders through and including Executive Order 20-97, or any
 2.32 subsequent order, expires, or is terminated or rescinded.

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