

*any order for intoxicating liquor, except for certain purposes as permitted by Federal Law; defining intoxicating liquor, and providing penalties for violations of this act.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Definition.**—Wherever used in this act, the terms “intoxicating liquor” shall include and mean any liquid potable as a beverage containing more than 3.2% alcohol by weight.

**Sec. 2. Traffic in intoxicating liquors forbidden.**—The manufacture, sale or transportation, or keeping or having in possession for sale or transportation of, or the taking, receiving, or soliciting of any order for intoxicating liquor, in any quantity whatever, is prohibited within this state; provided, that nothing in this act shall prevent the manufacture, sale or transportation of intoxicating liquor for chemical, mechanical, medicinal, pharmaceutical, scientific or industrial purposes, or of wine for sacramental purposes, in conformity with the provisions of federal law.

**Sec. 3. Violations—penalties.**—Any person who shall violate any provision of this act shall for a first offense be punished by a fine or not less than Fifty Dollars (\$50.00) or more than One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail for not less than thirty (30) days or more than ninety (90) days; and for a second or subsequent offense shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail for not less than ninety (90) days or not more than six (6) months, or by both. In prosecutions under this Act only evidence lawfully obtained may be received.

**Sec. 4. Inconsistent acts repealed.**—All acts and parts of acts inconsistent herewith are hereby repealed.

**Sec. 5.** This Act shall take effect and be in force from and after its passage.

Approved March 27, 1933.

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## CHAPTER 116—S. F. No. 880

*An act relating to the sale of non-intoxicating malt liquors.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Municipalities may issue licenses for sale of non-intoxicating beverages.**—There is hereby conferred upon the governing body of each county, city, village and borough in the

state, the authority to license and regulate the business of vendors at retail and/or wholesale of non-intoxicating malt liquors within their respective jurisdictions, to impose a license fee therefor, and to provide for the punishment of any violation of any such regulations according to the provisions of law. Provided, that no such business may be licensed by the County Board to be located in any town, unless the consent of the governing body of such town, if organized, is filed with the application for such license.

**Sec. 2. Unlawful to sell unless licensed.**—It shall be unlawful to sell non-intoxicating malt liquors, at retail, or wholesale, except when licensed as hereinafter provided. There shall be two kinds of licenses, viz:

(a) "On Sale" licenses shall permit the licensee to sell such non-intoxicating malt liquors for consumption on the licensed premises, and the license fee therefor shall be Ten (\$10.00) Dollars per annum, unless the county, city, village or borough wherein the premises are situated shall fix a higher fee to be paid to such county, city, village or borough. "On Sale" licenses shall be granted only to drug stores, restaurants, and hotels and Bona Fide clubs; provided, however, that no manufacturer of such non-intoxicating malt liquors shall have any ownership, in whole or in part, in the business of any licensee holding an "On Sale" license. A Bona Fide Club under this act is an organization for social or business purposes or for intellectual improvement, or for the promotion of sports, where the serving of such non-intoxicating malt liquors is incidental and not the major purpose of the Club.

(b) "Off Sale" licenses shall permit the licensee to sell non-intoxicating malt liquors in original packages for consumption off the premises only, and the license fee therefor shall be Five (\$5.00) Dollars per annum.

(c) The Secretary of State may issue an "On Sale" license to any railroad company operating within the state which shall permit such railroad company to sell such non-intoxicating malt liquors in its dining cars, buffet cars, cafe cars and observation cars; such company shall keep a duplicate of such license posted in each car where such malt liquors are served. Each railroad company applying for such license shall pay to the Secretary of State, a fee of Twenty-five (\$25.00) Dollars for such license and Twenty-five (25¢) cents for each duplicate thereof, which fee shall be paid into the State Treasury.

A manufacturer of non-intoxicating malt liquor may, without license, sell such liquor to licensed dealers holding either "On Sale" or "Off Sale" licenses, and may sell and deliver the same in quan-

tities of not less than two gallons, direct to consumers at their homes.

No manufacturer of non-intoxicating malt liquor, nor any affiliate or subsidiary company of such manufacturer, shall sell such liquor except as herein restricted. An affiliate or subsidiary company shall be one in which such manufacturer or its stockholders own a majority of the stock.

(d) Licenses hereunder shall be issued only to persons who are citizens of the United States and who are of good moral character and repute.

**Sec. 3. Unlawful to sell to persons under 21 years of age.**—It shall be unlawful to sell such liquor to any person under twenty-one years of age.

**Sec. 4.** All licenses for the sale of non-intoxicating malt liquors shall be issued for a period of one year, except that for the purpose of co-ordinating the time of expiration of licenses in general, such licenses may be issued for a shorter time to expire at a given period of the year in which case a pro rata fee shall be charged.

**Sec. 5.** Any person violating the provisions of this act shall be guilty of a misdemeanor.

**Sec. 6.** All laws and parts of laws inconsistent herewith are hereby repealed, but this act shall not be construed as repealing any law or ordinance relating to the sale of intoxicating liquor. Nothing herein contained shall apply to non-intoxicating malt liquor containing less than one-half of one per cent of alcohol by volume.

**Sec. 7.** This Act shall take effect and be in force from and after its passage.

Approved March 27, 1933.

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#### CHAPTER 117—S. F. No. 1417

*An act relating to the date of the annual election of members of the Board of Education in any independent school district, however organized, in any city of the first class in the State of Minnesota, the territorial limits of which independent school district coincide with the territorial limits of such city, the government of which independent school district is not provided for in the charter of such city, and legalizing any election of members of the Board of Education or governing body of any such school district heretofore held in such school district under any law of this State and to repeal Laws 1931, Chapter 359.*