

harbor line has been established by Federal authority, the estate and interest of a riparian proprietor in the submerged lands lying between the original shore line and such established dock line may be registered under this act, subject, however, to the rights of the state of Minnesota in its sovereign capacity in the same, and such registration shall not in any manner affect or change the rights of the state with respect to such lands."

Approved March 31, 1939.

CHAPTER 101—S. F. No. 922

An act relating to the license, sale and regulation of intoxicating liquors; and amending the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections 3200-21, 3200-28 and 3200-33.

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

Section 1. Definitions.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 3200-21, is hereby amended so as to read as follows:

"3200-21. The terms 'intoxicating liquor' and 'liquor' whenever used in this act, shall mean and include ethyl alcohol and include distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 per cent of alcohol by weight. The terms 'sale', 'sell', and 'sold' shall mean and include all barter and all manners or means of furnishing intoxicating liquor or liquors as above described in violation or evasion of law. 'Off sale' shall mean the sale of liquor in original packages in retail stores for consumption off or away from the premises where sold. 'On sale' shall mean the sale of liquor by the glass for consumption on the premises only. The term 'wholesale' shall mean and include any sale for purposes of resale. The term 'manufacturer' shall include every person, who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials shall prepare or produce intoxicating liquors for sale. The term 'wholesaler' shall mean any person, engaged in the business of selling intoxicating liquor to retail dealers. The term 'person' shall include the meaning extended thereto by Mason's Minnesota Statutes of 1927, Section 10933.

The term 'package' or 'original package' shall mean and

include any container or receptacle holding liquor, which container or receptacle is corked or sealed.

The term 'municipality' shall mean any city, village or borough.

'Hotel' as herein used, shall mean and include any establishment having a resident proprietor or manager, where, in consideration of payment therefor, food and lodging are regularly furnished to transients, and which maintains for the use of its guests in cities of the first class, not less than 50 guest rooms, in cities of the second class, not less than 25 guest rooms, in all other cities, villages and boroughs not less than ten guest rooms with bedding and other usual suitable and necessary furnishings in each room, and which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests on the ground floor, and which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment and has as an integral part thereof a dining room with appropriate facilities for seating not less than 30 guests at one time, where the general public are, in consideration of payment therefor, served with meals at tables.

'Exclusive liquor store' as herein used shall be an establishment used exclusively for the sale of intoxicating liquors, cigars, cigarettes, all forms of tobacco, non-intoxicating malt beverages and soft drinks at retail, either on sale or off sale, or both; provided, however, that lunches may be sold in a liquor store located in a village containing less than 500 inhabitants and situated in any county having a population according to the last Federal census of not less than 34,000, nor more than 35,000 inhabitants, and having not less than 24 nor more than 25, full and fractional townships. It shall be under control of an individual owner or manager and if located in municipalities other than cities of the first, second and third class, it may be owned and operated by said municipality as the governing body thereof shall direct.

'Restaurant' as herein used, shall mean any establishment, other than a hotel, under the control of a single proprietor or manager having appropriate facilities for the serving of meals and in cities of the first class for seating of not less than 50 guests at one time and in cities of the second and third class and villages of over 10,000 population and in such cities and villages having over 5,000, and not more than 10,000, population where 'on sale' is provided in restaurants in lieu

of the establishment of exclusive liquor stores, for seating such number of guests not less than 30 as the governing body of such municipality shall determine, and where in consideration of payment therefor, meals are regularly furnished at tables to the general public, and which employs an adequate staff to provide the unusual and suitable service to its guests; and the principal part of the business of which is the serving of foods.

The term 'club' shall mean and include any corporation duly organized under the laws of the state of Minnesota for civic, fraternal, social or business purposes or for intellectual improvement or for the promotion of sports, which shall have more than 50 members, and which shall for more than a year have owned, hired or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members and whose affairs and management are conducted by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents or *employees* are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the directors or other governing body.

The term "medicines" shall mean and include only such potable liquids as are prescribed by licensed physicians and dentists for therapeutic purposes, and United States pharmacopeia and national formulary preparations, and preparations used for the mitigation of disease for external and internal purposes which are usually sold in drug stores and intended for therapeutic purposes and not for beverage purposes.

The term "general food stores" shall mean any place of business carrying a stock of food supplies, and primarily engaged in selling food and grocery supplies to the public."

Sec. 2. **When sales may be made.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 3200-28, is hereby amended so as to read as follows:

"3200-28. No sale of intoxicating liquor shall be made on Sunday nor before 3 o'clock P. M. on any Memorial Day nor before 8 o'clock P. M. on any Election Day in the district in which such election shall be held. No 'On Sale' shall be made before 8 o'clock A. M., or after 12 o'clock midnight of any day.

No 'off sale' shall be made before 8 o'clock A. M. or after 8 o'clock P. M. of any day except Saturday, on which day 'off sales' may be made until 10 o'clock P. M. No 'on sale' place shall be permitted to have swinging doors or opaque windows. All sales shall be made in plain view of the public. No intoxicating liquor shall be sold or furnished for any purpose whatever to any person under the age of 21 years, or to an habitual drunkard or to any person obviously intoxicated or to any of the persons to whom sale is prohibited by statute or by reason of sale to whom a penalty is provided by statute. No intoxicating liquors shall be sold within the Capitol or upon the grounds thereof, or upon the State Fair Grounds or in any place where such sales shall be prohibited by law or by the ordinance of any city, village or borough. Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess or operate, or permit the keeping, possession or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice or any gambling device or apparatus, nor permit any gambling therein, or permit the licensed premises or any room in the same or in any adjoining building, directly or indirectly under its control, to be used as a resort for prostitutes or other disorderly persons. No person under 21 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail 'on Sale'. No pool table or billiard table shall be kept or used in any 'On sale' premises except a club as defined in this act.

The retail sale for beverage purposes of ethyl alcohol or neutral spirits, or substitutes therefor, possessing the taste, aroma and characteristics generally attributed to ethyl alcohol or neutral spirits, as such, is hereby prohibited. Nothing in this paragraph shall be construed to prohibit the manufacture or sale of other products obtained by the use of ethyl alcohol or neutral spirits as defined in the Standards of Identity for Distilled Spirits, Article Two (2), Regulations number five (5), Federal Alcohol Administration."

Section 3. Violations and penalties.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 3200-33, is hereby amended so as to read as follows:

"3200-33. (a) The failure on the part of any duly constituted public officer, charged by law with the enforcement of this Act, shall constitute nonfeasance in office and shall be valid ground for the removal of such officer.

(b) When any licensee shall wilfully violate the provisions of this Act, his license shall be immediately revoked and his bond forfeited, and no license of any class shall for a term of five years thereafter be issued to the same person or to any person who at the time of the violation owns any interest, whether as holder of more than 5 per cent of the capital stock of a corporation licensee, as partner, or otherwise, in the premises or in the business conducted thereon, or to any corporation, partnership, association, enterprise, business or firm in which any such person is in any manner interested.

(c) Whoever in violation of the provisions of this act shall manufacture intoxicating liquor for the purposes of sale shall be guilty of a gross misdemeanor.

(d) Whoever in violation of the provisions of this act shall transport or import into the state liquor for the purposes of sale shall be guilty of a gross misdemeanor.

(e) Whoever shall violate any provisions of this act as to sale, licensing, or any of the regulatory provisions pertaining thereto or who shall sell any intoxicating liquor without having a license therefor or stamp thereon as herein provided for, shall be guilty of a gross misdemeanor.

(f) The Liquor Control Commissioner shall have the power to institute proceedings to cancel or revoke the licensing of any pharmacist or druggist as such pharmacist or druggist who shall violate the provisions of this act.

Sec. 4. **Effective June 1, 1939.**—This act shall take effect from and after June 1, 1939.

Approved March 31, 1939.

CHAPTER 102—H. F. No. 853

An act regulating the sale, gift, order, exchange, distribution and possession of barbital, barbituric acid, its compounds and derivatives, and providing penalties for its violation.

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

Section 1. **Sale of certain drugs prohibited.**—It shall be unlawful for any person, firm or corporation to have in his, or its possession, or to sell, give away, barter, exchange or distribute barbital, except on a written prescription of a doctor of medi-