

CHAPTER 7515

DEPARTMENT OF PUBLIC SAFETY

LIQUOR CONTROL DIVISION

LIQUOR

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7515.0100 DEFINITIONS.

Subpart 1. **Scope.** In the statutes and rules the following words and phrases will be used and shall have the meaning as hereinafter defined.

Subp. 2. **Age.** "Age," as it applies to distilled spirits, means the period during which, after distillations and before bottling, distilled spirits have been kept in new or used oak containers, as provided for by federal regulations.

Subp. 3. **Alcoholic beverages.** "Alcoholic beverages" shall mean and include ethyl alcohol, spirits, liquor, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer in excess of 3.2 percent of alcohol by weight and potable for consumption by human beings.

Subp. 4. **Beer.** "Beer" as defined in the Code of Federal Regulations and parts 7515.1000 to 7515.1120 means malt beverages or malt liquors.

Subp. 5. **Brand label.** "Brand label" means the label affixed to the container displaying in distinctive design the brand name of distilled spirits, wines, or malt beverages. See Minnesota Statutes, section 340.46, and parts 7515.0800 to 7515.0870.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of public safety or a duly appointed delegate.

Subp. 7. **Container and original container.** "Container" and "original container" have the following meanings depending upon the context in which used:

A. For distilled spirits and wine they mean bottles, or such metal containers as may be in conformity with federal regulations and approved by the commissioner.

B. For malt beverages they mean full or fractional barrels, cases of bottles, individual bottles as each may be designated as a unit, see Minnesota Statutes, section 340A.101, subdivision 22, or any container which is sealed.

C. "Barrel," as it applies to malt beverages, means any container holding 31 gallons. All other measures used are subdivisions of the barrel as so defined.

D. "Gallon" means United States gallon of 231 cubic inches of alcoholic beverages at 68 degrees Fahrenheit (20 degrees Celsius), which is equal to 128 fluid ounces. All other liquid measures used are subdivisions of the gallon as so defined.

Subp. 8. **Department.** "Department" means the Minnesota Department of Public Safety, Liquor Control Division.

Subp. 9. **Distilled spirits.** "Distilled spirits," as defined in the Code of Federal Regulations and parts 7515.1000 to 7515.1120 means distilled spirits and intoxicating liquors in which the alcoholic contents are produced principally by distillation process.

Subp. 10. **Importer.** "Importer" means any distiller, rectifier, winer, wholesale distributor, or person within or without the state licensed to ship distilled spirits, wine, or ethyl alcohol to Minnesota manufacturers and wholesale distributors.

Subp. 11. **Licensee.** "Licensee," depending on the context, may mean any person who has been issued a license by the state of Minnesota or any of its subdivisions pursuant to Minnesota Statutes, chapter 340A, to manufacture or wholesale, or sell at retail intoxicating liquor or to engage in the business of brewer, wholesale distributor, or retail seller of malt beverages.

Subp. 12. **Licensed premises.** "Licensed premises" means only the area described in the application for such license.

Subp. 13. **Office or this office.** "Office" or "this office" means the office of the Liquor Control Division.

Subp. 14. **Place of business.** "Place of business" includes any public business establishment or private club where intoxicating liquor, 3.2 percent malt liquor, or soft drinks are sold, or which permits the display and consumption of intoxicating liquor, as provided for in Minnesota Statutes, section 340.119.

Subp. 15. **Wine.** "Wine" means wine as defined in the Code of Federal Regulations and parts 7515.1000 to 7515.1120.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 3 s 1; 17 SR 1279; L 1991 c 249 s 31*

NOTE: Minnesota Statutes sections 340.119 and 340.46, were repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1.

LICENSE AND PERMIT FEES

7515.0200 PERMITS AND FEES.

Application forms for licenses or permits required by Minnesota Statutes, chapter 340A shall be furnished by the commissioner upon request. The commissioner shall not issue any such license or permit unless the applicant therefor has paid the appropriate license and permit fees required by Minnesota law and, if required, has filed a corporate surety bond.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305*

7515.0210 REGULATORY PERMITS AND FEES.

Subpart.1. **General.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol, shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this part. The fee for each permit, other than one issued to a state or federal agency, is \$20 and shall be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits shall be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits shall expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of Minnesota Statutes, chapter 340A, or any rule of the commissioner made pursuant to law.

Subp. 1a. **Expiration dates coordinated.** In order to coordinate the expiration date of permits and cards with that of the appropriate state or municipal license, permits and cards issued in January 1985 in conjunction with state or municipal licenses expiring prior to July 1, 1985, shall be issued for a term extending until the expiration date of the license in 1986. Permits and cards issued in January 1985 in conjunction with state or municipal licenses expiring after June 30, 1985, shall be issued for a term extending until the expiration date of the license in 1985. The fee for cards and permits issued during January 1985 for periods of more or less than one year shall be prorated at \$1 per month. Subsequent renewals shall be for a 12-month period.

Subp. 2. **Representatives' identification cards required.** Any distiller, rectifier, winer, or wholesale distributor having one or more assigned representatives in the state of Minnesota shall for each representative so assigned apply to the commissioner on form No. 46 for a representative's card. A distiller or winer representative, except as provided in subpart 3 shall not, directly or indirectly, take orders from retail licensees or give any financial inducement to any wholesaler's salesperson to promote the sale to a retailer of any alcoholic beverage.

Subp. 3. **Retailer's or pharmacist's identification card.** Any on-sale or off-sale liquor dealer or any purchasing agent of any municipal liquor store or any pharmacist or drug-gist holding permits issued by the commissioner to sell medicinal liquors on prescription shall apply to the commissioner on form No. 84 for a permit to purchase distilled spirits, wine, or malt beverages containing more than 3.2 percent of alcohol by weight from any manufacturer or wholesale distributor or any agent or representative thereof. Such identification cards shall be presented to the manufacturer or wholesale distributor or the agent or representative thereof when ordering distilled spirits, wine, or malt beverages. Manufacturers or wholesale distributors or any agent or representative thereof shall not sell distilled spirits, wine, or malt beverages having alcoholic contents as described in this subpart to any licensee, permit holder, or purchasing agent of a municipal liquor store unless such person presents a retailer's or pharmacist's identification card issued by the commissioner for the current year.

Subp. 4. **Salesperson's identification card.** Minnesota manufacturers, brewers, winers, and wholesale distributors shall for each employee acting in the capacity of a salesperson or agent apply to the commissioner on form No. 80 for a salesperson's identification card, which card shall be the authority for such employee to solicit orders from licensed retail deal-

ers, permit holders, or municipal liquor stores. Salesperson's identification cards shall not be issued to retail licensees, managers of clubs, municipal liquor store employees, or persons engaged in the sale of alcoholic beverages at retail in the regular course of their employment.

Subp. 5. State or federal agency permits. Permits for state or federal agencies shall be issued without charge.

Statutory Authority: *MS s 299A.02*

History: 8 SR 2478; L 1985 c 305; 17 SR 400; 17 SR 1279

7515.0220 PERMIT EXPIRATION DATES.

The following permits shall expire one year from date of issuance:

A. Doctor's alcohol permit. Any physician, dentist, or veterinarian requiring ethyl alcohol in connection with their profession shall apply to the commissioner on form no. 44 for a permit to purchase ethyl alcohol.

B. Food manufacturer's permit. Any manufacturer of food products requiring intoxicating liquors in connection with such manufacture shall apply to the commissioner on form no. 76 for a permit to purchase, possess, and use intoxicating liquors.

C. Hospital or sanatorium permit. Any hospital or sanatorium requiring medicinal liquors or ethyl alcohol to administer to patients on physician's prescription shall apply to the commissioner on form no. 47 for a permit authorizing the purchase thereof.

D. Pharmacist or druggist purchase alcohol permit. Any pharmacist or druggist requiring ethyl alcohol for the compounding of medicine shall apply to the commissioner on form no. 60 for a permit to purchase, use, and possess ethyl alcohol.

E. Purchase alcohol permit. Any person engaged in the manufacture of medicinal, pharmaceutical, antiseptic, flavoring extract, syrup, food, scientific, chemical, mechanical, or industrial products, which are unfit for beverage use, or any municipal, county, or state agency, or any university, college, or laboratory used exclusively for scientific research, or any hospital or sanatorium using ethyl alcohol in connection with manufacture or research shall apply to the commissioner on form no. 81 for a permit to purchase ethyl alcohol.

Statutory Authority: *MS s 299A.02 subd 3*

MANUFACTURERS, WHOLESALE DISTRIBUTORS, AND IMPORTERS; DUTIES AND RESTRICTIONS

7515.0300 DUTIES AND RESTRICTIONS.

Subpart 1. In general. The duties and restrictions upon each manufacturer and wholesale distributor are as follows.

Subp. 2. Sales to retailers. Manufacturers and wholesalers shall not sell at retail except in accordance with the privileges granted to breweries by Minnesota Statutes, section 340A.301, subdivision 8. Manufacturers and wholesalers and their respective employees shall not sell or deliver alcoholic beverages to any person, club, or business establishment unless the purchaser is licensed or authorized to sell the respective beverages at retail. A sale to an unlicensed retailer shall be a violation subject to penalties provided by law or rules.

Subp. 3. Written invoices. Manufacturers and wholesalers shall furnish a written invoice to each retailer for the alcoholic beverages sold and delivered to said retailers. The invoice shall clearly identify seller and purchaser, date, quantity, and brand names of products sold and the prices. When there are joint purchases as provided for in Minnesota Statutes, section 340A.312, manufacturers and wholesalers shall, in addition to the above, itemize on the invoice each such retailer purchasing jointly or, in lieu thereof, shall invoice joint purchases to each retailer separately.

Subp. 4. Malt beverage invoices. All brewery and wholesalers' invoices of sale for malt beverages containing more than 3.2 percent of alcohol by weight shall have affixed thereto the signature of the retail dealer purchasing said beverages and also the number of the retailer's identification card issued by the commissioner for the current year. In addition thereto, such sales invoices shall designate the date of sale, the quantity sold, and the brand names. The failure of producers or wholesale distributors to comply with the provisions of this subpart shall be deemed a violation.

Subp. 5. **Financial interest forbidden.** No manufacturer or wholesale distributor shall directly or indirectly or through any affiliate require by agreement or induce any licensed retail dealer to purchase intoxicating liquor from themselves to the exclusion in whole or in part of other manufacturers or wholesale distributors if the direct effect from such agreement or inducement is to prevent, hinder, or restrict any other manufacturer or wholesale distributor from selling or offering for sale intoxicating liquor to any such licensed retail dealer. Manufacturers and wholesalers in respect to retail dealers are forbidden:

A. to acquire or hold any direct or indirect interest in any retail license or proprietary interest in the business of a retail dealer;

B. to acquire any interest in real or personal property owned, occupied, or used by any retail dealer in the conduct of business;

C. to furnish, give, rent, lend, or sell to a retail dealer any equipment, fixtures, supplies, money, service, or other thing of value, except to the extent permitted by statute;

D. to pay or credit a retail dealer for any retailer's advertising, display, or distributing service, except to the extent permitted by statute;

E. to guarantee any loan or repayment of any financial obligation of the retail dealer;

F. to extend a retail dealer credit for a period in excess of the credit period usual and customary in the industry or in excess of the credit period permitted by law;

G. to require the retail dealer to purchase and sell a specified quantity of any such products;

H. to offer or pay a commercial bribe;

I. to offer or make any gifts or to pay compensation to any proprietor, officer, employee, or representative of a retail store;

J. to coerce a retailer through threat of criminal prosecution, license discipline or denial; or

K. to sell, offer to sell, or contract to sell any licensed retail dealer any intoxicating liquor on consignment or under conditional sale or with the privilege of return on any basis otherwise than a bona fide sale. This item shall not apply to transactions involving solely the bona fide return of the product for ordinary and usual commercial reasons arising after the product has been sold.

Subp. 6. **Gifts forbidden.** No manufacturer, importer, or wholesale distributor of distilled spirits, wines, or malt beverages containing more than 3.2 percent of alcohol by weight, shall, directly or indirectly, or through any officer, agent, or employee, offer or grant discounts, rebates, free goods, allowances, or other concessions in wholesale prices unless the same terms are offered uniformly to each retailer in the wholesaler's or manufacturer's trade territory at the same time and for the same period, and any and all such discounts, rebates, free goods, allowances, or other concessions made because of quantity purchases or for any other reason shall be specifically noted on the invoice of each and every retailer to whom such concessions are granted.

Subp. 7. **Sales discrimination forbidden.** Minnesota manufacturers and wholesale distributors shall not discriminate in the sale of their products to retail dealers except that manufacturers or wholesale distributors may refuse to sell intoxicating liquor or 3.2 percent malt liquor to a retail dealer who may have violated any law, rule, or municipal ordinance relating to the sale of such liquor at retail, or who has breached a contract for sale with the manufacturer or wholesaler. Upon notice from the commissioner, manufacturers and wholesale distributors shall not sell intoxicating liquor or 3.2 percent malt liquor to any on-sale or off-sale licensee who refuses to sell or serve alcoholic beverages to any person because of race, color, national origin, or who discriminates in the selection of its membership on the basis of race, color, or national origin.

Subp. 8. **Peddling forbidden.** No manufacturer or wholesale distributor of distilled spirits and wine or their employees shall transport such products in vehicles for the purpose of soliciting orders from retail dealers and filling such orders from stocks transported in such vehicles.

Subp. 9. **Container limitation.** No manufacturer or wholesale distributor shall sell distilled spirits to retailers in containers holding more than 64 ounces nor less than eight ounces,

or their metric equivalents, except wine may be sold in containers holding 1/20 gallon (6–2/5 oz.), or its metric equivalent, to on-sale and off-sale licensees.

Miniature containers shall be sold only to licensed common carriers for dining facilities, licensees who have approved dispensing devices, and pharmacists having a permit to sell medicinal liquors on prescription for dispensing to patients in hospitals and nursing homes.

No containers of distilled spirits holding less than one-fifth of a gallon, or 750 milliliters, shall be sold to retail on-sale dealers.

Still wines shall be sold by Minnesota manufacturers and wholesalers to retail liquor dealers only in case lots. The cases shall be filled with wines of only one tax class, that is, wines of 14 percent or less of alcohol by volume shall not be combined in a case with wines of more than 14 percent of alcohol by volume.

Subp. 10. Sale or delivery prohibited in certain municipalities. No manufacturer or wholesale distributor shall sell or deliver distilled spirits, wine, ethyl alcohol, or intoxicating malt beverages in any municipality prohibiting the sale thereof. However, intoxicating liquors and ethyl alcohol may be sold in such municipalities to persons who are holders of permits to sell such products for industrial or medicinal purposes, or for sacramental use.

Subp. 11. Transfer of business license. Any manufacturer, wholesale distributor, or brewer may transfer a business and license with the approval of the commissioner. When contemplating transfer, the licensee shall submit the license to the commissioner and all permits issued in connection therewith, together with a complete notarized inventory of alcoholic beverages on hand, giving the brand names, the size and number of containers. The request for transfer shall be accompanied by the license application and bond of the proposed purchaser.

Note: Any application for transfer of a license shall be accompanied by a transfer fee of \$10.

Subp. 12. Branch establishments. Manufacturers and wholesale distributors of distilled spirits, wine, and malt beverages licensed by the commissioner may maintain branch establishments provided that such establishments are directly owned and managed by said manufacturers and wholesale distributors, and that all employees of such establishments are paid only fixed salaries and/or commissions. No branch license shall be granted to holders of wholesale 3.2 percent malt liquor licenses.

Subp. 13. Withdrawal of distilled spirits and wine. No persons employed by importers, distillers, rectifiers, winers, Minnesota licensed manufacturers or wholesalers shall withdraw distilled spirits or wine from the premises of manufacturers or wholesalers unless such requisition has been approved by the commissioner on a form prescribed by the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 5 s 1,12; 17 SR 1279; L 1991 c 249 s 31*

7515.0310 DUTIES AND RESTRICTIONS ON FILING OF WHOLESALE PRICE SCHEDULES AND AMENDMENTS.

Subpart 1. General requirement. No brand owner or wholesaler of distilled liquor or wine shall sell, offer for sale, or solicit any order for distilled liquor or wine unless a schedule of wholesale prices for all distilled liquor and wine offered for sale by the brand owner or wholesaler is filed with the department, in such form as the department shall prescribe. No sale shall be made except in accordance with such price schedules.

Subp. 2. Deadline for filing. All wholesale price schedules shall be filed with the department not later than the first day of each month, and shall be effective from the first day of that month until the first day of the next month, provided that any filing may be amended within five business days after the first day of the month.

Subp. 3. Required form and contents. All price schedules must be filed on form PS 9024 or in such other format which must be approved by the commissioner in advance of filing. All price schedules must indicate the one-case wholesale price of each brand of distilled liquor or wine being offered to retail licensees, together with all allowances, discounts (including varying volume discounts), or terms of any nature (including promptness of pay-

ment terms) which affect the wholesale price of such distilled liquor or wine to the retailer in any manner.

Subp. 4. Restrictions on amended prices. Any brand owner or wholesaler who elects to file amended prices during the five-day period as provided for in subpart 2 may not file a new price that is lower than the lowest net price filed on the first of the month for the same or similar product by any wholesaler. For the purposes of this part, "net price" shall mean the wholesale price, including all allowances, discounts (including varying volume discounts), or terms of any nature (including promptness of payment terms) which affect the wholesale price in any manner. A credit term filed to meet competition may not be filed on a basis more favorable than the terms or the competitive schedule or reduce the net price of the brand, type, or size container below the net price of the competitive schedule for the same quantity.

Subp. 5. Effective date of prices. All price schedules and amendments thereto shall be effective upon receipt by the department.

Subp. 6. Understandable and enforceable. All wholesale price schedules and amendments thereto must be understandable and enforceable by the department. If the department finds any such filing or amendment to be not understandable or not enforceable, or contrary to any statute or rule, it shall be rejected, setting forth the reason for such rejection.

Subp. 7. Brands filed must be in stock or on order. No wholesale price schedule or amendment thereto shall list brands of distilled liquor or wine which are not in stock or on accepted order at the time such schedule is filed with the department.

Subp. 8. Retailers. For purposes of this part, purchasers who are licensed as common carriers and military units qualified as government instrumentalities are not to be deemed "retailers."

Subp. 9. No prices below cost. No wholesaler of distilled spirits or wine shall file a wholesale price schedule or an amendment on which is shown a selling price per case at less than the cost thereof to such wholesaler. Cost shall include f.o.b. (freight on board) price from importer, freight, state and federal taxes, and duty on imported merchandise.

Subp. 10. Amendments to meet competitor's prices. An amended wholesale price schedule may be filed at below the wholesaler's cost when such prices are filed to meet, in good faith, prices filed with the department on similar distilled spirits and wine by a competing wholesaler.

Subp. 11. Mixed cases; quantity discounts. Wine or other commodities may not be offered on original or assorted cases with distilled spirits or vice versa, and any quantity discount may not exceed 300 bottles of quarts or smaller bottles, or the equivalent of any authorized standard of fill not to exceed 25 cases.

Subp. 12. Equal information to retailers. Any filing licensee who publishes, mails, delivers, distributes, advertises, or in any other way directly or indirectly disseminates written price information for distilled spirits and/or wine on its wholesale price schedule or amendments thereto, shall, in any such material, include all such allowances, discounts, or terms, and shall disseminate such information to all retailers served by it.

Subp. 13. Distribution of complete schedule. The publication, mailing, or delivering of any written material containing less than all of the wholesale price schedule posted for any brand by a filing licensee shall be deemed a violation of this part.

Subp. 14. Publication of schedules. The publication of all wholesale price schedules filed with the department by a filing licensee, on or before the effective date thereof, in any trade journal or industry price book of general circulation among retailers, shall be deemed sufficient compliance with the provisions of subparts 12 and 13.

Subp. 15. Filing for new brands. Any brand owner or wholesaler may at any time file with the department written price schedules showing the one-case price together with all allowances, discounts (including varying volume discounts), or terms of any nature (including promptness of payment terms) offered on any new brand being introduced into the state, to become effective immediately.

Subp. 16. Filing deadlines and nonbusiness days. Whenever the first day of the month falls on a Saturday, Sunday, or a legal holiday, the distilled spirits and wine schedules required to be filed with the department shall be received by the department not later than the

close of the next business day; however, the next month's filing will be filed on schedule as provided for by statute and rules.

Subp. 17. Changes to reflect tax change. Pursuant to an order issued by the department any price filings may be changed at any time to reflect changes in federal or state excise taxes on distilled spirits and wine, or to comply with the requirements of any order issued by the federal government relating to price control.

Subp. 18. Shipments to retailer. All brand owners and wholesalers shall ship every sale to a retailer, whether such sales are individual or joint sales, in the full amount at one time during the month of that sale.

Subp. 19. Permission to close out brand. Any brand owner or wholesaler who desires to close out a brand or type of distilled spirits or wine below the cost for such products, shall apply to the commissioner to do so. Permission will be granted at the discretion of the commissioner, when the merchandise has been owned and possessed for a period of at least six months. All such authorized closeouts shall be so noted as closeouts on the filed wholesale price schedule. Any brand owner or wholesaler who closes out a brand or type of spirits or wine may not restock such product for a period of 12 months.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

7515.0320 SALES TO WHOLESALERS AND MANUFACTURERS.

Subpart 1. Offers for sale. All importers, including manufacturers and wholesalers licensed pursuant to Minnesota Statutes, chapter 340A, are required to offer for sale to all Minnesota wholesalers and manufacturers all intoxicating liquor (except wines and malt beverages) brought into Minnesota. If such intoxicating liquor is further distilled, refined, rectified, blended, bottled, labeled, or prepared in any manner subsequent to its importation into Minnesota, such importers are required to offer for sale to all Minnesota wholesalers and manufacturers the finished product. All such offers shall be made on an equal basis to all such wholesalers and manufacturers.

Subp. 2. Price list. No importer shall offer any intoxicating liquor for sale to any Minnesota wholesaler or manufacturer without first filing with the department and mailing a copy of such itemized price list to all Minnesota manufacturers and wholesalers, on a form approved by the commissioner, an itemized list specifying the price, brand, type, container size, proof, and age of the liquor so offered. These prices must be filed on the first day of the month and shall become effective on the first day of the next calendar month and shall remain in effect until changed by a subsequent price filing which shall take effect in like manner.

Subp. 3. Price restrictions. All prices filed shall be the lowest prices, as contemplated by Minnesota Statutes, section 340A.307, subdivision 3, at which such liquor is contemporaneously being sold by such importer in any other state or in the District of Columbia. All such liquor shall be offered for sale to all Minnesota wholesalers and manufacturers on an equal basis, and at the applicable filed price.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 5 s 7*

RETAIL LICENSES, LICENSEES, BUSINESS COMBINATIONS, DUTIES OF MUNICIPAL CLERKS

7515.0400 MUNICIPAL RETAIL LICENSES.

Minnesota Statutes, sections 340A.401 to 340A.416 provide that on-sale and off-sale retail liquor licenses shall be granted by the local municipal governing body upon verified, written application of the proposed licensee.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 6 s 1 to 16*

7515.0410 ELIGIBILITY REQUIREMENTS.

An applicant for a retail liquor license shall meet all of the following requirements of eligibility:

- A. The applicant shall be a citizen of the United States.
- B. The applicant shall be over 18 years of age.
- C. The applicant shall have good moral character and reputation.

D. The applicant shall not have been convicted within five years prior to the application of such license of any willful violating of law relating to the manufacture, sale, or possession for sale of intoxicating liquor.

E. Neither the licensee or anyone interested in the business shall have had an interest in a license which was revoked within the last five years for a willful violation of any such laws or ordinances.

F. The licensee and anyone with an interest in the business shall not have any interest, direct or indirect, in another retail liquor store in the same municipality neither as proprietor, partner, or corporate stockholder.

G. The licensee cannot lease the business premises from anyone to whom no license could be issued, such as someone convicted of a willful violation of the Liquor Control Act.

H. No applicant shall refuse to serve alcoholic beverages to any person because of race, color, or national origin, and no applicant shall discriminate in the selection of its membership on the basis of race, color, or national origin.

The licensee may lease from a minor, a noncitizen, or one convicted for a crime other than liquor offense, or a manufacturer or wholesaler who has been a bona fide owner of the premises since before November 1, 1933, as provided by Minnesota Statutes, section 340A.301, subdivision 7.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 5 s 1; 17 SR 1279*

7515.0420 LIMITED NUMBER GRANTED.

Retail liquor licenses shall be granted only in number and combination with other business prescribed in the statute as follows: (Clubs not limited in number)

A. On-sale retail liquor licenses:

	Population Last Federal Census	Maximum Number	Combination Business
First Class Cities	Over 100,000		
Minneapolis		200	Hotels, Restaurants, or Exclusive Liquor
St. Paul		200	
Duluth		71	
Second Class Cities	Over 20,000 but not over 100,000	18 (Plus 1 license for 2,500 pop. after 45,000)	Hotels, Clubs, Restaurants, or Exclusive Liquor
Third Class Cities and Villages	Over 10,000 but not over 20,000	12	"
Fourth Class Cities and Boroughs	Under 10,000	7	"

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Villages	5,000 to 10,000	6	Hotels, Clubs, Restaurants, or Exclusive Liquors
"	2,500 to 5,000	5	"
"	500 to 2,500	4	"
"	under 500	3	"

The above summary of the statute is subject to several acts which have local application, as noted in the text of the statute.

B. Off-sale retail liquor licenses:

	Population Last Federal Census	Maximum Number	Combination Business	Maximum License Fee
First Class Cities	(1 for 5,000)			
Minneapolis		104	Drug Stores	\$250 — not
St. Paul		62	General Food,	including
Duluth		20	Exclusive Liquor (Off)	occupa- tional tax
Second Class Cities	20,000 but not over 100,000	Discre- tionary with Council	Drug Stores Exclusive Liquor (Off)	\$200
Third Class Cities and Villages	over 10,000 but not over 20,000	"	"	\$200
Fourth Class Cities, Villages and Boroughs	Under 10,000 but not less than 5,000	"	Drug Stores, Exclusive Liquors	\$150
"	2,500 to 5,000	"	"	\$100
"	500 to 2,500	"	"	\$100
"	Under 500	"	"	\$100

C. On-sale retail liquor licenses:

Counties	Regardless of Rural Population Plus 1 additional license for each 2,000 population or major fraction thereof.	3 licenses	Restaurants seating a minimum of 100
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D. Split liquor on-sale liquor licenses:

Municipalities operating retail liquor stores who have authorized by vote	Population Last Federal Census	Maximum Number	Combination Business
Split Liquor	Over 10,000 Pop.	6	Hotels and Restaurants
Cities, Villages, and Boroughs	5,000 to 10,000 Pop.	4	"
	Under 5,000 Pop.	3	"

If the maximum number of on-sale licenses are issued as above stated, then municipal off-sale must be discontinued.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0430 ON-SALE APPLICATIONS.

Subpart 1. **Filing application and bond.** Applicants for on-sale retail liquor licenses shall file a written, verified application with all questions fully answered with the municipal clerk or county auditor. They shall also file a bond as required by statutes. Forms shall be furnished by the municipal clerk or county auditor.

Subp. 2. **Description of premises.** The retail licenses for sale of alcoholic beverages which the municipality may issue shall contain a specific description of the premises to which the license applies. The description shall be stated as numbered street address or the description of the lot, block, addition, or township. If the description in this subpart covers a building with more than one story or rooms which are used for business purposes other than those permitted to be in combination with the license as outlined in part 7515.0420, then the description shall specify the floor and the space to which the license shall apply.

Subp. 3. **Location restrictions.** No license shall be granted for any premises with inside access to another business establishment unless the combination is permitted under part 7515.0420 and the Liquor Control Act.

Subp. 4. **Amount of bond.** The license bond shall be a sum of \$3,000 to \$5,000. As alternatives the applicant may post a deposit of cash, United States bonds, or liability insurance policy acceptable to the commissioner in lieu of the corporate surety. However, bond or alternatives shall apply uniformly to each retailer in each municipality or county.

Subp. 5. **Application check; council action.** The clerk shall read each application and bond to ascertain that all questions have been answered and forms are completed before the application is submitted to the council.

Special note: No member of a municipal council, however, shall vote on any application for license for a spouse or any other relative.

Subp. 6. **License certificate.** After the application for license has been approved by the council, the clerk shall prepare the license certificate and deliver it to the licensee.

Subp. 7. **Certificate to commissioner.** Within ten days after issuance of the on-sale liquor license, the clerk shall prepare and submit to the commissioner a certificate stating that a license has been issued. The certificate shall show the full name and the address of the person or persons to whom the license is granted, and all additional information required to complete the form which shall be furnished by the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0440 OFF-SALE AND CERTAIN ON-SALE APPLICATIONS.

Subpart 1. **Commissioner's approval required.** All off-sale, club on-sale, and county on-sale retail liquor licenses issued in the state shall be submitted to the commissioner for final approval. Without the commissioner's approval, said licenses shall not be effective.

Subp. 2. **Application procedure.** The commissioner shall furnish application blanks, bonds, and license forms for off-sale, county on-sale, and club retail liquor licenses to the clerk or county auditor of the respective municipalities or counties.

The applicant for license shall prepare the application form and bond in duplicate and file them with the clerk or county auditor who shall read them to determine that all questions are answered completely and the forms are properly executed.

The governing body shall consider the license applications and exercise its discretion within the law in approving licenses.

Subp. 3. **Materials forwarded to commissioner.** After approval, the clerk shall forward to the commissioner in Saint Paul, Minnesota, the following items:

- A. one copy of the license certificate for off-sale, club, or county on-sale;
- B. two application forms for off-sale, club, or county on-sale, fully executed by the applicant;
- C. two bond forms for off-sale, club, or county on-sale, approved on the reverse side by a member of the governing body;

D. one on-sale license form no. 100, with the clerk's signature and corporate seal of the municipality or county affixed;

E. one on-sale license form no. 100-A for Sunday sales;

F. a notarized copy of the minutes of the meeting held by the governing body establishing when the application was approved; and

G. a notarized statement containing information as to the result of the vote of any election in the municipality where the question of licensing the sale of intoxicating liquor was voted. This shall not include the repeal election of September 12, 1933, or any county option election. If no election was held in the municipality, a statement to that effect is required.

Subp. 4. **Items forwarded at renewal.** After licenses are granted, at an annual renewal period, the items in subpart 3 shall be forwarded to the commissioner 30 days before the end of the current license year.

Subp. 5. **Disposition of documents.** After consideration and approval of the license, the commissioner will retain one copy of the application and one copy of the bond. The new license certificate with endorsement of approval, one copy of the application and one copy of the bond will be returned to the clerk or auditor. Such documents shall be retained by the issuing authority for a period of six years after the date of expiration of the license.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

7515.0450 CHANGE OF LOCATION.

The location of business of a retail liquor licensee may be changed subject to the approval of the municipal council and the commissioner. Application for change in location shall be in writing, accompanied by a written statement from the bonding company consenting to the change in location.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0460 LIQUIDATION OF BUSINESS; REPORT.

Any retail licensee who liquidates business upon voluntary termination, cancellation, or revocation of license, shall submit a verified inventory of the stock of intoxicating liquors on hand; shall file a written statement of the disposition of the merchandise; and shall surrender the retail dealer's identification card for cancellation.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

7515.0470 MUNICIPAL LIQUOR STORES.

Any municipality establishing a municipal liquor store shall submit to the commissioner the following items:

A. A certified or printed copy of the ordinance or resolution authorizing the establishment of a municipal liquor store.

B. A verified statement of the results of any election ever held by the municipality in which the question of permitting or prohibiting the sale of intoxicating liquor was voted. This shall not include the repeal election of September 12, 1933, or any county election. If no election was ever held in the municipality, a certified statement to that effect is required.

C. The clerk and/or recorder of any municipality having established a municipal liquor store shall in connection therewith and in addition to requirements of this part, submit to the commissioner on furnished and prescribed forms, a certificate of registration stating the date established, name of the manager, and whether on-sale, off-sale, or both.

D. Any change of location of a municipal liquor store shall be promptly reported to the commissioner, on forms prescribed and furnished by the commissioner. In the event of the discontinuance of such a store, a notarized inventory of the stock on hand shall be submitted to the commissioner giving the brand names, the size and the number of containers, and the name of the purchaser or other disposition. Said inventory shall be signed by the

transferor and transferee. The clerk of the municipality shall submit said inventory and the retailer's identification card to the commissioner for cancellation.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

RETAIL LICENSES AND MUNICIPAL LIQUOR STORES

7515.0500 RETAIL LICENSE REQUIRED.

All private retail dealers in intoxicating liquors (distilled spirits, wines, strong beer) shall obtain a license from the local municipal governing body for retail sale, and shall keep and post the license certificate in a conspicuous location in their place of business. Municipal retail liquor stores shall be established by ordinance.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0510 IDENTIFICATION CARD REQUIRED.

Retail dealers shall obtain a retail dealer's identification card from the commissioner as provided in part 7515.0210, subpart 3. Such card shall be presented when purchasing intoxicating liquor from authorized sales representatives.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0520 PURCHASE FROM LICENSED MANUFACTURERS.

All retail dealers shall purchase their stock of alcoholic beverages only from duly licensed Minnesota manufacturers, brewers, and wholesale distributors. Retail dealers may purchase intoxicating liquors from other retail dealers only under the conditions stated in part 7515.0650.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0530 FINANCIAL RESPONSIBILITIES.

Retail dealers shall be responsible for all purchases of alcoholic beverages and for any indebtedness incurred by the licensees or their delegated employees.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0540 CERTIFICATION LABELS.

Retail dealers shall verify that their stock of distilled spirits, sparkling wines, or still wines shall have affixed to the cartons the designated certification labels, and that such labels shall be affixed in accordance with the number of containers in each case.

Any cartons or cases in the possession of retail dealers with improper certification labels affixed thereto shall be subject to confiscation.

Retail dealers shall remove certification labels affixed to cartons and cases of wine when such cases have been emptied.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0550 RETENTION OF RECORDS.

All retail dealers shall keep in their licensed premises for a period of two years the records and invoices of all purchases and sales of two cases or more of intoxicating liquor, wine, and malt beverages. Such invoices shall state the date, from whom purchased or to whom sold, the quantity, the brand name, size of containers, and price.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0560 ON-SALE DEALERS.

Subpart 1. **Containers; minimum quantities; minimum proof of distilled spirits.** No on-sale dealer shall purchase or possess distilled spirits in containers of less than one-fifth gallon or its metric equivalent. Containers of less than one-fifth of a gallon, or its metric equivalent, shall be subject to confiscation, provided miniatures containing not more than two ounces, or their metric equivalent, may be purchased for dispensing devices, the use of which has been specifically approved by the commissioner. In addition, no on-sale dealer shall purchase distilled spirits other than cordials, liqueurs, or specialty items which are less than 80 proof.

Subp. 2. **Liquor to be consumed on premises.** On-sale liquor licensees shall sell intoxicating liquor to lawful consumers by the drink for consumption on the premises only. For purposes of this part the sale of miniatures in approved dispensing devices shall be considered sale by the drink in guest rooms of hotels as defined in Minnesota Statutes, section 340A.101, subdivision 13.

Subp. 3. **Display forbidden.** No on-sale liquor establishment shall display any intoxicating liquor when open to the public during hours when the sale of such liquor is prohibited by law, except as provided by Minnesota Statutes, section 340.119.

Subp. 4. **Dilution or changing containers.** No on-sale dealers, or their employees, shall remove intoxicating liquor from the original containers and place said liquor in any other container, nor shall such persons dilute or in any manner tamper with the original contents thereof as provided by Minnesota Statutes, section 340A.508, except that wine may be withdrawn from tax paid containers and placed in decanters for service bar purposes.

Subp. 5. **Containers subject to seizure.** Intoxicating liquors in open containers which upon inspection indicate dilution, tampering, refilling, or impurities shall be subject to seizure by liquor control inspectors.

Subp. 6. **Containers must be visible to public.** All containers from which alcoholic beverages are sold or dispensed shall be clearly visible to the consuming public, except that malt beverages may be dispensed by tap from the keg when the keg itself is not in sight, and miniatures may be dispensed by approved mechanical devices, provided that the brand label appears on the tap handle or device. No container of intoxicating or malt liquor shall be dispensed from any mechanical or coin-operated device, unless said device can be operated in full compliance with all provisions of state law and the rules of the commissioner and has been specifically approved for operation by the commissioner. The commissioner may impose such conditions as the commissioner deems necessary for any such approval and the failure to meet said conditions or the violation thereof shall terminate any approval.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 3 s 1; art 7 s 8; 17 SR 1279*

NOTE: Minnesota Statutes section 340.119, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 5.

7515.0570 OFF-SALE BY PACKAGE ONLY.

Off-sale dealers shall sell intoxicating liquors by the container or package for off-premise consumption only. They shall not permit the opening of the containers and consumption of contents on the licensed premises. No alcoholic beverages shall be sold except within the licensed premises. No licensee shall sell any alcoholic beverages to any person, or persons, for consumption off the licensed premises while said person, or persons, are within a motor vehicle. No alcoholic beverages shall be sold through any opening or window to any person outside of licensed premises.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0580 DELIVERY.

Subpart 1. **Restrictions.** Licensed or authorized "off-sale" retail liquor dealers and no other class of dealers may make deliveries of intoxicating liquor from their stores to the residence of a purchaser or other location, provided however, that such delivery shall be made only to a person 19 or more years of age; and provided further, that such delivery shall not be made to beer taverns or other public or private place in violation of law or ordinance.

Subp. 2. **Delivery tickets required.** The person in charge of any vehicle delivering intoxicating liquor to purchasers shall carry an invoice or delivery slip stating the date and names and addresses of the seller and purchaser, itemizing the number, size, and brands of intoxicating liquor to be delivered. Upon delivery, the invoice shall be signed by the person accepting delivery and by the deliverer and the signed copy preserved on the retailer's premises for a period of six months.

Subp. 3. **Dealer may refuse to deliver.** Any retail dealer, or employee or agent of the dealer, may refuse to sell or deliver intoxicating liquor to any person whom they have reason to believe is ineligible to buy such liquor, as provided by Minnesota Statutes, sections 340A.504, and 340A.701 to 340A.705, or whom they have reason to believe intends to deliver

er the intoxicating liquor to ineligible consumers. They may require a person of doubtful age to produce written evidence of being 18 or more years of age.

Subp. 4. **Forbidden deliveries.** No off-sale retail dealer shall sell, ship, or deliver intoxicating liquor to purchasers in any county, municipality, or area where the sale or delivery thereof is prohibited by law. No retailer shall deliver or permit the delivery of any intoxicating liquor during the hours when off-sale of liquor is prohibited by state law or municipal ordinance.

Subp. 5. [Repealed by amendment, 8 SR 2478]

Subp. 6. **Open stock deliveries prohibited.** Only alcoholic beverages ordered and packed at the store for delivery shall be carried in the delivery vehicle.

Statutory Authority: *MS s 299A.02 subd 3*

History: 8 SR 2478; L 1985 c 305 art 7 s 4; art 9 s 1 to 5; 17 SR 1279

7515.0590 SALES RESTRICTIONS.

Subpart 1. **Retail dealer not to sell for resale.** A retail dealer or municipal liquor store shall not sell intoxicating liquor to any person for the purpose of resale, or to any person about whom the dealer or store has information or has reason to believe intends to resell said liquor, except as provided in part 7515.0650.

Subp. 2. **Cancellation of identification card.** The retailer's identification card of any retail dealer or municipal liquor store may be canceled by the commissioner if the holder of said card sells for resale. A violation of part 7515.0610 shall be grounds for cancellation.

Subp. 3. **Refusal to sell.** Retail dealers shall refuse to sell any alcoholic beverage to any person or persons whose character is questionable or whose credentials in any manner are not satisfactory.

Statutory Authority: *MS s 299A.02 subd 3*

History: 17 SR 1279

7515.0600 SOLICITATION.

The solicitation of customers by retail dealers outside the licensed premises or by the use of telephone, telegraph, or the United States mail is prohibited.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0610 FEDERAL WHOLESALE LIQUOR DEALER'S TAX STAMP.

No retail licensee or municipal liquor store shall apply for or have in their possession a federal wholesale liquor dealer's tax stamp.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0620 GIFTS FORBIDDEN.

Any retail dealer or employee, or any manager or employee of a municipal liquor store, who suggests, requests, demands, or accepts any gratuity or reward or promise thereof from any representative of a manufacturer or wholesaler of alcoholic beverages is guilty of a violation. Any manager or employee who in this respect violates the provisions of Minnesota Statutes, section 613.19 shall be guilty of a gross misdemeanor.

Statutory Authority: *MS s 299A.02 subd 3*

NOTE: Minnesota Statutes, section 613.19, was repealed by Laws of Minnesota 1963, chapter 753, article 2, section 17.

7515.0630 STORAGE.

Retail dealers may store excess stocks of intoxicating liquor in places other than the licensed premises. The place of storage shall be located in the same municipality as the licensed premises. The location and address of the storage place, the quantity of liquor stored, and removal from the storage place shall be reported to the commissioner in writing.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0640 FIRES OR OTHER DAMAGE.

In the event of a fire or other disaster in an area where intoxicating liquor, intoxicating and 3.2 percent malt liquor, or wine is stored or kept for sale, the licensee shall promptly in-

form the commissioner of such disaster. The commissioner shall promptly inspect the premises to determine if the intoxicating liquor, intoxicating and 3.2 percent malt liquor, or wine is fit for human consumption and shall order all of such liquor and wine that is not fit for human consumption immediately destroyed. No sale of intoxicating liquor, intoxicating and 3.2 percent malt liquor, or wine which has been exposed to a fire or other disaster shall be made until such liquor has been inspected and declared fit for human consumption. In making the inspection, the commissioner may cooperate with a representative of the insurer of the liquor.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279; L 1991 c 249 s 31*

7515.0650 TRANSFER OF LICENSE OR BUSINESS.

Any licensed retail dealer transferring or liquidating a business and selling the liquor stock shall notify the commissioner in writing of this intention and ask for approval of the proposed sale or transfer on such forms as are prescribed by the commissioner. The dealer may sell business fixtures and alcoholic beverages in a liquidating transaction to any retail dealer or wholesale licensee in Minnesota. When the sale is completed, the seller and buyer shall file with the commissioner a copy of an itemized inventory of liquors sold, giving the brand name, size, and number of bottles. Both the seller and buyer shall sign the inventory and it shall be notarized. The seller shall return the retailer's identification card to the commissioner for cancellation. Any change whatsoever in the ownership or location of the business for which the license has been issued shall be deemed a transfer for purposes of this part.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

ADVERTISING

7515.0700 APPLICATION; UNIFORM CODE.

Subpart 1. **In general.** The advertising of intoxicating liquors is a matter of public policy and, as provided in Minnesota Statutes, section 340A.507, subdivision 1, clearly within the police power of the state. Advertisements of intoxicating liquors disseminated in this state, except as hereinafter provided, shall not require prior approval, but shall be governed by the Uniform Code of the Joint Committee of States, as follows in parts 7515.0700 to 7515.0750.

Subp. 2. **Scope of code.** No person engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of intoxicating liquor, directly or indirectly, or through an affiliate shall publish or disseminate or cause to be published or disseminated by radio or television broadcast, or in any newspaper, magazine, or similar publication or by any sign or outdoor advertisement, or any other printed or graphic matter, any advertisement of intoxicating liquor unless such advertisement is in conformity with parts 7515.0700 to 7515.0780. provided, that these provisions shall not apply to the publisher of any newspaper, magazine, or similar publication, or the owner or operator of any radio or television station, unless such publisher, owner, or operator is engaged in business as a producer, manufacturer, bottler, importer, wholesaler, or retailer of intoxicating liquor directly or indirectly, or through an affiliate.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 7 s 7*

7515.0710 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 7515.0700 to 7515.0780, the following terms shall have the meanings ascribed in subparts 2 to 7.

Subp. 2. **Advertisement.** The term "advertisement" includes any advertisement of intoxicating liquor through the medium of radio or television; or of newspapers, magazines, or similar publications; or of any sign or outdoor advertisement; or of any other printed or graphic matter, including trade booklets, menus, and wine cards; except that such term shall not include:

A. Any label affixed to any container of intoxicating liquor or any individual covering, carton, or other wrapper of such container.

B. Any editorial or other reading matter in any periodical or publication or newspaper, or on any radio or television broadcast (or audio matter thereon) for the preparation or publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any person subject to parts 7515.0700 to 7515.0780.

Subp. 3. **Intoxicating liquor.** "Intoxicating liquor" means and includes ethyl alcohol and distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.

Subp. 4. **Distilled spirits.** "Distilled spirits" means ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, for beverage use, and shall include but not be limited to neutral spirits, whiskey, brandy, rum, gin, vodka, cordials, and liqueurs. Any intoxicating liquor containing more than 24 percent of alcohol by volume shall be deemed to be distilled spirits.

Subp. 5. **Wine.** The term "wine" means any fermented intoxicating liquor produced from grapes, fruit, or other agricultural products, and includes but is not limited to, still wines, champagne and other sparkling wines, carbonated wines, imitation wines, vermouth, cider, perry, sake, or other product offered for sale or sold as wine.

Subp. 6. **Malt beverage.** The term "malt beverage" means intoxicating liquors obtained by the alcoholic fermentation of an infusion or decoction of barley malt and hops in drinking water and containing more than 3.2 percent of alcohol by weight.

Subp. 7. **Person.** "Person" means any individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0720 MANDATORY STATEMENTS.

Subpart 1. **Responsible advertiser.** The advertisement shall state the name and address of the producer, manufacturer, bottler, importer, wholesaler, or retailer responsible for its publication. Street name and number may be omitted in the address.

Subp. 2. **Class, type, and distinctive designation.** The advertisement shall contain a conspicuous statement of the class and type, or other designation of the product, corresponding with the complete designation which appears on the brand label of the product.

Subp. 3. **Alcoholic content.** In the case of distilled spirits the alcoholic content shall be stated in the manner and form in which it appears on the labels of distilled spirits advertised.

Subp. 4. **Percentage of neutral spirits and name of commodity.** In the case of distilled spirits, other than cordials, liqueurs, and specialties, produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated in the advertisement the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled in substantially the manner and form in which these statements appear on the labels of the distilled spirits advertised. In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated in the advertisement the name of the commodity from which such neutral spirits or gin has been distilled substantially in the manner and form in which this statement appears on the labels of the distilled spirits advertised.

Subp. 5. **Line or brand advertisements.** Where an advertisement does not mention a specific product but merely refers to a class of intoxicating liquors (such as whiskey) and the advertiser markets more than one brand of intoxicating liquors of that class, or where the advertisement refers to several classes of intoxicating liquors (such as whiskey, brandy, rum, gin, liqueur, etc.) marketed under a single brand, the only mandatory information prescribed by this part, applicable to such advertisement would be the name and address of the responsible advertiser.

Subp. 6. **Retail establishments.** Advertisements by retail establishments which merely refer to the availability of intoxicating liquors in such establishments but which otherwise make no reference to a specific brand shall be subject only to the prohibited statements provisions of parts 7515.0740 and 7515.0750.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0730 LETTERING; CONSPICUOUSNESS OF MANDATORY STATEMENTS.

Statements required by parts 7515.0700 to 7515.0780 to be stated in any written, printed, or graphic advertisement shall appear in lettering or type of a size, kind, and color sufficient to render them both conspicuous and readily legible. In particular:

A. Required information shall be stated against a contrasting background and in type or lettering which is at least the equivalent of eight-point type.

B. Required information shall be so stated as to appear to be a part of the advertisement and shall not be separated in any manner from the remainder of the advertisement.

C. Where an advertisement relates to more than one product, the required information shall appear in such manner as to clearly indicate the particular products to which it is applicable.

D. Required information shall not be buried or concealed in unrequired descriptive matter or decorative designs.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0740 PROHIBITED STATEMENTS.

An advertisement shall not contain:

A. Any statement that is false or misleading in any particular material.

B. Any statement that is disparaging of a competitor's products.

C. Any statement, design, device, or representation which is obscene or indecent.

D. Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

E. Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this part shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if the purchaser is in any manner dissatisfied with the contents of this package."

F. Any statement that the product is produced, blended, made, bottled, packed, or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal, or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if a municipal, county, state, or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

G. Any statement concerning a brand or lot of intoxicating liquor that is inconsistent with any statement on the labeling thereof.

H. Any statement, design, or device representing that the use of any intoxicating liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

I. Any representation that the product was manufactured in, or imported from, a place or country other than that of its actual origin, or was produced or processed by one who was not in fact the actual producer or processor.

J. Any statement, design, device, or pictorial representation of or relating to, or capable of being construed as relating to the armed forces of the United States, or of the American flag, any state flag, or of any emblem, seal, insignia, or decoration associated with any such flag or the armed forces of the United States; nor shall any advertisement contain any statement, device, design, or pictorial representation of or concerning any flag, seal, coat of arms, crest, or other insignia, likely to falsely lead the consumers to believe that the product has been endorsed, made, or used by or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

K. There shall be no cooperative advertising in newspapers or magazines as between a producer, manufacturer, bottler, importer, or wholesaler, and a retailer of distilled spirits.

L. Any statement offering any coupon, premium, prize, or rebate as an inducement to purchase intoxicating liquors.

Statutory Authority: *MS s 299A.02 subd 3*

History: 17 SR 1279

7515.0750 OTHER PROHIBITED STATEMENTS.

An advertisement of intoxicating liquor shall not contain:

A. In the case of distilled spirits:

(1) The words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, unless such words or phrases appear upon the labels of distilled spirits advertised, and are stated in the advertisement in the manner and form in which they appear on the label.

(2) Any statement, design, or device directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement of age appears on the labels of the advertised product. When any such statement, design, or device concerning age or maturity of distilled spirits is contained in any advertisement, it shall include (in direct conjunction therewith and with substantially equal conspicuousness) all parts of the statement concerning age and percentages, if any, which appear on the label. However, an advertisement for any whiskey or brandy, which does not bear a statement of age on the label, or an advertisement for rum which is four years or more old, may contain general inconspicuous age, maturity or other similar representation, e.g., "aged in wood," "mellowed in fine oak casks."

B. In the case of wine:

(1) Any statement of bonded winecellar and bonded winery numbers unless stated in direct conjunction with the name and address of the person operating such winery or storeroom. Statement of bonded winecellar and bonded winery numbers may be made in the following form: "Bonded Winecellar No. _____," "Bonded Winery No. _____," "B.W.C. No. _____," "B.W. No. _____."

No additional reference thereto shall be made, nor shall any use be made of such statement that may convey the impression that the wine has been made or matured under United States government or any state government supervision or in accordance with the United States government or any state government specifications or standards.

(2) Any statement, design, device, or representation which relates to alcoholic content or which tends to create the impression that a wine is unfortified or has been fortified, or has intoxicating qualities, or contains distilled spirits (except for a reference to distilled spirits in a statement of composition where such statement is required by parts 7515.0700 to 7515.0780 to appear as part of the designation of the product).

(3) Any statement of age or representation relative to age (including words or devices in any brand name or mark) except that:

In the case of vintage wine, the year of vintage may be stated if it appears on the label.

Truthful references of a general and informative nature relating to methods of production involving storage or aging, such as "this wine has been mellowed in oak casks," "stored in small barrels," or "matured at regulated temperatures in oak cellars" may be made.

The statement of any bottling date shall not be deemed to be a representation relative to age, if such statement appears without undue emphasis in the following form: "bottled in ____" (inserting the year in which the wine was bottled).

No date, except as provided in this item with respect to statement of vintage year and bottling date, shall be stated unless, in addition thereto, and in direct conjunction therewith, in the same size and kind of printing there shall be stated an explanation of the significance of such date; provided, that if any date refers to the date of establishment of any business, such date shall be stated without undue emphasis and in direct conjunction with the name of the person to whom it refers.

C. In the case of malt beverages, any statement of alcoholic content, or any statement of the percentage and quantity of the original extract, or any numerals, letters, characters, or figures, likely to be considered as designations of alcoholic content.

D. Any reference to novelties, mailing, outdoor advertising, and inside premise advertising shall be governed by other provisions of parts 7515.0700 to 7515.0780.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0760 STATEMENTS OF ACTS PROHIBITED.

Subpart 1. **In general.** All local advertising shall also be subject to the provisions of parts 7515.0700 to 7515.0780 as stated in this part.

Subp. 2. **Prohibitions on advertisements' contents.** No advertisement of alcoholic beverages shall contain:

A. Any illustration of a person which is not dignified, modest, or in good taste, or depicts a person in provocative dress or consuming a drink. Any family scene in which is portrayed a child or objects (such as toys) suggestive of the presence of a child, or in any manner portrays the likeness of a child, or contains any matter to appeal to immature persons.

B. Any statement that is false or misleading in any manner.

C. Any statement, design, device, or representation which is obscene or indecent.

D. Any statement concerning a brand of intoxicating liquor that is inconsistent with any statement on the labeling thereof.

E. Any statement, design, device, or representation relating to any guaranty unless such guaranty is enforceable.

F. Any statement describing such liquor to be beneficial and healthful.

G. Any statement or display relating to the price of such liquor except in windows and premises of licensed establishments.

H. Any statement, design, or device relating to biblical characters or to any public official, agency, or branch of the federal, state, or local governments, including former presidents of the United States.

I. Any statement, design, device, or pictorial representation capable of being construed as relating to the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed force.

J. Any statement relating to the giving away of alcoholic beverages, premiums, or novelties in connection with the sale of any alcoholic beverages.

Subp. 3. **Restrictions on items given away.** No alcoholic beverages, prizes, or premiums shall be given away in connection with the sale of alcoholic beverages, except that consumer's advertising specialties, such as ash trays, bottle or can openers, corkscrews, paper shopping bags, matches, printed recipes, wine lists, leaflets, blotters, post cards, pencils, stirrers, glassware, calendars, notebooks, playing cards, greeting cards, folding knives, or any similar articles which bear advertising matter may be furnished or given to consumers. The distribution of such advertising specialties shall be limited to the licensed premises only. Such advertising specialties shall be submitted to and approved by the commissioner before distribution.

Subp. 4. **Restrictions on references and statements.** No advertisement or display of intoxicating or malt liquor shall contain any statement or illustration of or reference to a bank, bank deposit book, money, gambling, or quotations such as "Moving," "Going Out of Business," "Reduction of Stock," "Sale of Damaged Stock," "School or College Athletics," or "Pay Checks," in any form of advertising. However, such references may be included in or on show windows in or on licensed premises.

Subp. 5. **Restrictions on display.** No display of any intoxicating liquor shall be made in any place except the licensed premises.

Subp. 6. **Restrictions on references to price.** No advertisement or display of malt beverages containing more than one-half of one percent of alcohol by weight shall contain any reference to price of malt beverages, except within windows and premises of licensed establishments.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0770 ADVERTISEMENT APPROVAL.

Subpart 1. **Submitting materials to commissioner.** Except as provided in parts 7515.0700 to 7515.0750, all out-of-state distillers, rectifiers, winers, brewers, and whole-

sale distributors and Minnesota manufacturers and wholesale distributors on-sale, off-sale, or municipally owned liquor stores or any agents thereof shall submit in duplicate all advertisements of alcoholic beverages to the commissioner for approval before publication.

Subp. 2. **No publication without approval.** Except as provided in parts 7515.0700 to 7515.0750, no licensee shall publish, cause to be published, or offer for publication in any newspaper, periodical, or other advertising media, including radio and television broadcasting, or through any outdoor or other advertising agency any advertisement for intoxicating liquor unless the copy or transcript of the proposed advertisement shall have been first approved by the commissioner and shall have affixed thereto the commissioner's stamp of approval.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

7515.0780 MAILING FORBIDDEN.

No advertisements shall be distributed to consumers through the medium of the United States mail except with the written approval of the commissioner, and provided that this restriction shall not apply to newspapers and magazines. The distribution of hand circulars or price lists will be allowed from within the licensed premises.

Statutory Authority: *MS s 299A.02 subd 3*

BRAND LABELS AND ANALYSIS OF ALCOHOLIC BEVERAGES

7515.0800 BRAND LABEL APPROVAL.

Subpart 1. **Commissioner's approval required.** No brand of distilled spirits, wines, or fermented malt beverages containing more than one-half of one percent of alcohol by volume shall be imported into or sold within the state of Minnesota unless the brand label is approved by the commissioner and registered in the manner provided.

Subp. 2. **Imports for sample purposes only.** A licensed importer or wholesaler may, with the prior approval of the commissioner, import without registration reasonable amounts of alcoholic beverages to be used for sample purposes only. However, all such sample shipments must be manifested, as provided in part 7515.0930.

Subp. 3. **Confiscation.** Any alcoholic beverages whose brand label is not approved and registered shall be confiscated.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0810 BRAND LABEL OWNERSHIP.

The brand label will not be registered unless it is ascertained that the proposed registrant is the owner of the label, or has been assigned the brand label registration permission in writing by the brand owner pursuant to federal and state laws.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0820 REGISTRATION.

A written request for registration of a brand label shall be filed with the commissioner, accompanied by the following items:

- A. a check payable to "Director of Liquor Control" in the amount of \$10, for payment of the registration fee for each brand and for each type of product;
- B. a set of photostatic copies of beer cans and lids;
- C. if requested by the commissioner, two labeled and sealed containers of malt beverages for analysis;
- D. if requested by the commissioner, a complete, signed chemical analysis of the product and a verified statement that the product to be sold under the label will correspond in all respects to the sample and analysis;
- E. a verified statement by the brand owner or an authorized representative declaring ownership of the label and identifying the United States distributor, if other than the brand owner; and

F. a set of front and back labels, and any other labels to be affixed to the containers. In the case of imported alcoholic beverages, the name and address of the importer must be shown on the label.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

7515.0830 COMMISSIONER TO APPROVE CHANGE.

Any change of ownership or of contents of alcoholic beverages and the labeling in connection therewith from the original registration of such contents and labels shall be promptly submitted to the commissioner for approval before the importation or sale of such beverages in the state.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0840 ABANDONMENT.

Any brand of alcoholic beverage for which Minnesota importation has been discontinued for two years or which has been abandoned shall not be imported in this state unless the brand label is reregistered in the manner provided in part 7515.0810.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0850 IMPORTERS TO ASCERTAIN REGISTRATION.

Minnesota manufacturers and wholesale distributors shall ascertain before the importation of any alcoholic product into the state that said product has been registered and the analysis of the brand submitted to and approved by the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0860 STOCK TRANSFER ARRANGED BEFORE CHANGE IN DISTRIBUTORS.

When there is a change in distributorship of the brand, the brand owner shall arrange for the transfer of the stock on hand to the new distributor or for shipment to the producer of the brand five days before the change is made. This shall not apply if the brand is distributed by more than one wholesaler in this state.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0870 BULK CONTAINERS.

Distilled spirits and wine may be imported and sold to manufacturers in bulk containers without brand label registration.

Statutory Authority: *MS s 299A.02 subd 3*

IMPORTATION AND RELEASE OF DISTILLED SPIRITS, WINE, MALT BEVERAGES, AND SACRAMENTAL WINE

7515.0900 IMPORTATION.

Subpart 1. **License required.** Minnesota Statutes, section 340A.302 pertaining to distilled spirits, wines, and ethyl alcohol and Minnesota Statutes, section 340.493 for malt beverages provide that only duly licensed importers shall ship such products into Minnesota and that products so shipped shall be consigned to and received only by duly licensed Minnesota manufacturers and wholesale distributors. No package sales to consumers for export of non-tax-paid liquors shall be permitted in this state without having obtained the proper license.

Subp. 2. **Sacramental wine.** Wines, as provided by Minnesota Statutes, section 340A.316, to be used exclusively for sacramental purposes imported into Minnesota shall be consigned to and received only by the holders of Minnesota sacramental wine licenses or by regularly appointed or ordained rabbi, priest, minister, or pastor of any church or established religious organization.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 5 s 2, 16*

NOTE: Minnesota Statutes, section 340.493, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1.

7515.0910 DIPLOMATIC IMMUNITY.

In recognition of the federal laws governing immunity and courtesy, shipments of intoxicating liquor from foreign countries to diplomatic personnel of foreign countries assigned to service in this state may be received by such representatives without payment of the Minnesota excise tax, and without being subject to the rules relating to importation and labeling of alcoholic beverages. Such importation to diplomatic personnel will be permitted only upon written request to the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0920 IMPORT LICENSE REQUIRED.

Subpart 1. **In general.** Distilled spirits, wine, and ethyl alcohol shall be imported into Minnesota only by persons holding Minnesota import licenses.

Subp. 2. **Exceptions.** No Minnesota import license will be required of persons who ship distilled spirits in bulk from a United States Internal Revenue bonded warehouse located in another state to a similar warehouse located in Minnesota.

Alcoholic beverages in the custody of the United States collector of customs destined for ultimate delivery in another state may be received in Minnesota and stored temporarily pending arrangements for redistribution and release by federal authorities. Shipments and storage under this subpart shall be reported promptly to the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

7515.0930 MANIFEST OR INVOICE.

Minnesota Statutes, section 340.485, subdivision 3 provides that importers of distilled spirits, wines, ethyl alcohol, or sacramental wine shall prepare a manifest in duplicate on forms prescribed by the commissioner for each shipment into Minnesota, and shall forward the manifest to the commissioner prior to the time of shipment. The manifest shall represent only the shipment of each single conveyance. The manifest shall designate the consignee and consignor, the date of shipment, name of common carrier, brand name, brand label registration number, the number of packages and the number of containers in each package, the size of each container, the proof of the product, and the total gallonage.

Statutory Authority: *MS s 299A.02 subd 3*

NOTE: Minnesota Statutes, section 340.485, subdivision 3, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1.

7515.0940 TRANSPORTATION.

Only common carriers or duly licensed Minnesota manufacturers or wholesale distributors shall transport distilled spirits, wine, ethyl alcohol, or malt beverages into this state.

Statutory Authority: *MS s 299A.02 subd 3*

History: 8 SR 2478

7515.0950 CONFISCATION.

Minnesota Statutes, section 340.54, subdivision 1 provides that any alcoholic beverages imported into Minnesota contrary to statute or parts 7515.0900 to 7515.0960 or for the purpose of tax evasion shall be subject to confiscation.

Statutory Authority: *MS s 299A.02 subd 3*

NOTE: Minnesota Statutes, section 340.54, subdivision 1, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1.

7515.0960 SAMPLES FOR ANALYSIS.

For the purpose of comparative analysis, the commissioner may direct that samples of distilled liquors, wines, and malt beverages be taken from shipments arriving in the state or from warehouse stocks within the state, and the analysis of such samples shall be made by a chemist designated by the commissioner.

In the event that the commissioner shall find the analysis of samples taken from shipments or warehouse stocks are not identically comparable to the labeling thereof and for malt beverages samples of any brand originally submitted by the brand owner to the commissioner, said discrepancy shall be valid grounds for the seizure and confiscation of such shipments or warehouse stock and any further importation or sale of such brand or brands shall be prohibited within the state.

Statutory Authority: *MS s 299A.02 subd 3*

STANDARDS OF IDENTITY, LABELING, AND FILL

7515.1000 DISTILLED SPIRITS GENERAL REQUIREMENTS.

Code of Federal Regulations for ethyl alcohol, distilled spirits, brandy, and rectifications of distilled spirits are hereby adopted as the rules for standards of identity and labeling requirements for containers of distilled spirits sold within the state, insofar as such federal regulations or amendments thereto are not contrary to or inconsistent with the provisions of Minnesota Statutes, chapter 340A or parts 7515.1000 to 7515.1120, including standards of fill.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305*

7515.1010 PACKAGING TO CONFORM TO FEDERAL REGULATIONS.

No person shall import, manufacture, transport, or sell within the state of Minnesota any distilled spirits in containers, unless such distilled spirits are packaged, and such packages are marked, branded, or labeled in conformity with federal regulations as herein indicated and approved by the commissioner. Such packages of containers shall consist of the same brand, size, type, and proof.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1020 AGING OF WHISKEY.

No whiskey in glass containers shall be imported into the state, bottled by any importer or rectifier for sale within the state, unless such whiskey has been stored in new charred oak containers for a period of two years or more under United States government supervision and distilled in accordance with the standards of identity. However, such whiskey may be imported into the state in bulk, but when so imported it may not be bottled and sold until it is aged for a period of two years. This part shall not apply to whiskey or intoxicating liquor produced in a foreign country.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1030 CORDIALS AND LIQUEURS.

Cordials and liqueurs are products obtained by mixing or redistilling neutral spirits, brandy, gin, or other distilled spirits with or over fruits, flowers, plants, or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations, or maceration of such materials, and to which sugar or dextrose or both have been added in an amount not less than ten percent by weight of the finished product. Synthetic or imitation flavoring materials shall not be included.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1040 STANDARDS OF FILL FOR DISTILLED SPIRITS.

1/2 gallon	4/5 pint
1 quart	1/2 pint
4/5 quart	Miniatures containing no
1 pint	more than 2 ounces

or the metric equivalent of any of the above.

Tolerance in the herein-described standards of fill may be allowed by the commissioner for distilled spirits upon prior application.

The regulations adopted by the secretary of the treasury pursuant to the Federal Alcohol Administration Act governing standards of fill shall be followed in all bottling or selling of distilled spirits in the state of Minnesota.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1050 WINE GENERAL REQUIREMENTS.

Code of Federal Regulations for wine is hereby adopted as the rule for the standards of identity and labeling requirements for containers of wine sold within the state, insofar as fed-

eral regulations or amendments thereto are not contrary to or inconsistent with the provisions of Minnesota Statutes, chapter 340A or parts 7515.1000 to 7515.1120, including standards of fill.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305*

7515.1060 PACKAGING TO CONFORM TO FEDERAL REGULATIONS.

No person shall import, manufacture, transport, or sell within the state of Minnesota any wine in containers unless such wine is packaged, and such packages are marked, branded, and labeled in conformity with federal regulations as herein indicated and approved by the commissioner. Such packages of containers shall consist of the same brand, size, type, and proof.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1070 STANDARDS OF FILL FOR WINE.

Gallon	128 ounces
1/2 Gallon	64 ounces
Quart	32 ounces
Fifth	25–3/5 ounces
Pint	16 ounces
Tenth	12–4/5 ounces
1/2 Pint	8 ounces
Twentieth	6– 2/5 ounces

or the metric equivalent of any of the above.

Tolerance in the herein-described standards of fill may be allowed by the commissioner upon prior application.

The regulations adopted by the secretary of the treasury pursuant to the Federal Alcohol Administration Act governing standards of fill shall be followed in all bottling or selling of wine in the state of Minnesota.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1080 MALT BEVERAGES GENERAL REQUIREMENTS.

Code of Federal Regulations for beer is hereby adopted as the rule for the standards of identity and labeling requirements for containers of malt beverages sold within the state, insofar as federal regulations or amendments thereto are not contrary to or inconsistent with the provisions of Minnesota Statutes, chapter 340A or parts 7515.1000 to 7515.1120, including standards of fill.

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305*

7515.1090 PACKAGING TO CONFORM TO FEDERAL REGULATIONS.

No person shall import, manufacture, transport, or sell within the state of Minnesota any malt beverages in containers, unless such malt beverages are packaged, and such packages are marked, branded, or labeled in conformity with federal regulations as therein indicated and approved by the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1100 LABELING REQUIREMENTS AND ALCOHOLIC CONTENT.

Subpart 1. [Repealed, 12 SR 1456]

Subp. 2. **0.5 to 3.2 percent alcohol.** For a product that contains more than one-half of one percent of alcohol by volume and not more than 3.2 percent by weight, the alcoholic content must be stated and the product labeled as follows: “contains not more than 3.2 percent of alcohol by weight” or similar expression of like meaning.

If the product is sold in cans, the words “contains not more than 3.2 percent of alcohol by weight,” or similar expression of like meaning, must appear on one end of each can in a permanent medium. For cone-type cans, however, the indication must be placed on the side.

Subp. 3. **Copies instead of cans.** In place of submitting can containers for malt beverages, duplicate photostatic copies of each can and its lid must be submitted for both 3.2 percent and strong and the copies must clearly show the label and the alcoholic content statement for the 3.2 product only.

Subp. 4. **Under 0.5 percent alcohol.** The alcoholic content must be stated if the product contains less than one-half of one percent of alcohol by volume and must be labeled "contains less than one-half of one percent of alcohol by volume."

Subp. 5. **Confiscation.** A product not labeled in accordance with this part is subject to confiscation by the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

History: *12 SR 1456*

7515.1110 ALCOHOLIC CONTENTS TO BE INDICATED ON CONTAINERS.

Subpart 1. **Kegs or barrels.** Kegs or barrels sold in Minnesota must have the contents identified by paper stickers or stencils affixed on the same surface as the brewer's identification stating "3.2 beer" or similar words that are appropriate to the content, or as an alternative the alcoholic contents of kegs or barrels may be identified with distinctive symbols that have been submitted to and approved by the commissioner.

Subp. 2. **Sealed, nonreturnable cases.** Nonreturnable and sealed cases of bottles or cans must have imprinted in ink on the top or one side of the case "3.2 beer" or similar words that are appropriate to the content, or identified by the use of distinctive symbols that have been submitted to and approved by the commissioner. This subpart applies to the shipping case but does not apply to smaller cartons that may be contained in the case. Each brewer and importer shall notify the commissioner whether identification will appear on the top or side of the case.

Subp. 3. **Unsealed, returnable cases.** An unsealed returnable case of bottles needs no external marking to identify alcoholic content, if opening the case without breaking furnishes a direct view of bottles that identify the alcoholic content pursuant to this part.

Subp. 4. **Confiscation.** A product not labeled in accordance with this part is subject to confiscation by the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

History: *12 SR 1456*

7515.1120 STANDARDS OF FILL FOR MALT BEVERAGES.

The standards of fill for malt beverages in containers, whether domestically manufactured or imported for sale within the state of Minnesota, shall be as hereinafter provided:

- one barrel
- 1/2 barrel
- 1/4 barrel
- 1/8 barrel
- 288 ounce container
- 144 ounce container
- 128 ounce container
- 64 ounce container
- 32 ounce container
- 25-3/5 ounce container
- 24 ounce container
- 16 ounce container
- 12 ounce container
- 10 ounce container
- 8 ounce container
- 7 ounce container
- 6 ounce container

or the metric equivalent of any of the above.

Tolerance in the herein-described standards of fill may be allowed by the commissioner upon prior application. The regulations adopted by the secretary of the treasury pursuant to

the Federal Alcohol Administration Act governing standards of fill shall be followed in all bottling or selling of malt beverages in the state of Minnesota.

Statutory Authority: *MS s 299A.02 subd 3*

PERMITS FOR CONSUMPTION AND DISPLAY OF INTOXICATING LIQUOR

7515.1200 PERMIT APPLICATIONS.

Applicants for permits under Minnesota Statutes, section 340A.414 shall submit their applications on forms to be supplied by the commissioner. Applications shall be submitted to the commissioner, together with tender of the \$100 fee in the form of a money order, bank draft, or certified check payable to the "Liquor Control Director, State of Minnesota."

Statutory Authority: *MS s 299A.02 subd 3*

History: *L 1985 c 305 art 6 s 14*

7515.1210 DISQUALIFICATIONS.

Subpart 1. Federal tax stamps. No permit will be issued to holders of federal retail liquor dealer's special tax stamps as provided for in Minnesota Statutes, section 340.119, subdivision 6, other than a duly licensed liquor retailer which is a business establishment as provided for in Minnesota Statutes, section 340.119, subdivision 7. Answers to questions on the commissioner's application form relating to such stamps will be compared with records in the commissioner's office supplied by the federal Internal Revenue Department.

Subp. 2. Display after hours. It shall be unlawful to consume or display or allow consumption or display of intoxicating liquor on any premises of a bottle club or business establishment between the hours of 1:00 a.m. and 8:00 a.m.

Subp. 3. Conviction of liquor violation. No application from any person who has been convicted of a willful violation of law concerning the sale of intoxicating liquor or nonintoxicating malt beverages within the past five years will be considered.

Statutory Authority: *MS s 299A.02 subd 3*

NOTE: Minnesota Statutes, section 340.119, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1.

7515.1220 REGULATION OF ESTABLISHMENTS GRANTED PERMITS.

Subpart 1. Bottle club. In clubs that qualify for a permit, bottles of intoxicating liquor may be left at the club-bar by members for serving only to the owner-member and bona fide guests, but said bottle or bottles shall not be stored at the bar in the owner's absence. Before the owner leaves the premises the owner shall remove the bottle or bottles from the bar and place them in an individual locker, or take them from the premises.

Subp. 2. Business establishments. In any public place granted a permit, no bottle of intoxicating liquor shall be given to the bar attendant or any employee for serving to the owner of the bottle. All bottles in such business establishment shall be kept in plain sight by the owner and shall be in the owner's possession and under the owner's control at all times.

Subp. 3. No storage of liquor. No intoxicating liquor may be stored on the premises of any business establishment holding a permit under this section. The purchase of intoxicating liquor by a licensee, manager, or employee of a bottle club or business establishment acting as agent for the member or patron is prohibited.

Subp. 4. No minors. No minors shall be permitted to loiter or remain on any premises licensed under Minnesota Statutes, section 340.14, subdivision 3, unless accompanied by parent or guardian.

Subp. 5. No transfer of permits. The transfer of permits issued in accordance with Minnesota Statutes, section 340.119 is prohibited unless such transfer is approved by the commissioner. Any change in the location, ownership, or corporation will constitute a transfer for purposes of parts 7515.1200 to 7515.1230.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

NOTE: Minnesota Statutes, sections 340.119 and 340.14, were repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1.

7515.1230 CANCELLATION.

Any violations of these rules will constitute grounds for cancellation of the permit.

Statutory Authority: *MS s 299A.02 subd 3*

PHARMACISTS

7515.1300 PERMIT REQUIRED FOR PHARMACISTS.

Subpart 1. **General.** Minnesota Statutes, section 340.18 provides that pharmacists may apply to the commissioner for a permit to sell medicinal liquors and ethyl alcohol on bona fide prescriptions by a physician, dentist, or veterinarian. Such permits shall be obtained from the commissioner for a fee of \$5 and shall expire one year from the date of issuance.

Subp. 2. **Federal tax stamp.** No application for permit shall be given consideration unless the applicant has applied for and obtained the federal medicinal spirits tax stamp.

Subp. 3. **Confiscation.** Alcoholic liquors containing more than 3.2 percent of alcohol by weight in the possession of any pharmacists who do not have the required permits issued by the commissioner, shall be subject to confiscation.

Statutory Authority: *MS s 299A.02 subd 3*

NOTE: Minnesota Statutes section 340.18, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1

7515.1310 PURCHASE REQUIREMENTS FOR PHARMACISTS.

Subpart 1. **Permit.** Pharmacists may obtain a permit from the commissioner as provided in part 7515.0220, for the purchase of ethyl alcohol for the compounding of medicines.

Subp. 2. **Identification card.** Pharmacists having a permit to sell medicinal liquors on prescription shall obtain from the commissioner a pharmacist's identification card as provided in part 7515.0210, subpart 3. Such cards shall be presented when purchasing medicinal liquors from authorized sales representatives.

Subp. 3. **Purchase from licensed dealers.** Pharmacists shall purchase medicinal liquor and ethyl alcohol only from duly licensed Minnesota manufacturers and wholesale distributors, and all such products shall remain in the original containers.

Subp. 4. **Affidavit.** In the purchase of ethyl alcohol for compounding of medicine the permittee shall submit an affidavit in duplicate to the manufacturer or wholesale distributor. Said affidavit shall state the permit number and that the alcohol shall be used exclusively for the compounding of medicines.

Subp. 5. **Invoices mailed to commissioner.** Manufacturers and wholesale distributors selling medicinal liquors to pharmacists who hold a permit to sell such liquor on prescription shall mail a copy of the invoice of each sale to the commissioner by the tenth of the following month.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1320 PRESCRIPTIONS.

Subpart 1. **One container only.** No licensed pharmacist shall fill any prescription for more than one container of medicinal liquor or ethyl alcohol, and such medicinal liquors shall conform as nearly as possible with the standards and requirements of the United States Pharmacopeia.

Subp. 2. **Prescription label.** Pharmacists filling prescriptions for medicinal liquor or ethyl alcohol shall affix the prescription label on each container stating the prescription number, the date, the patient's and the doctor's name, and the direction for use. The corresponding prescription number shall be placed on the original prescription.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1330 RECORDS.

Pharmacists licensed to sell medicinal liquor or alcohol, and alcohol for compounding of medicines, shall maintain a complete record of all purchases made and prescriptions filled, for inspection by the commissioner.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1340 IRREGULARITIES IN STOCKS.

Subpart 1. **Grounds for confiscation.** Irregularities in stocks of medicinal liquor and ethyl alcohol of pharmacists shall subject the permit to revocation and any undeclared stocks of liquor shall be confiscated by the commissioner or authorized agents.

Subp. 2. **Grounds for revocation of permit.** The concealment by any pharmacists or employee of any medicinal liquor, ethyl alcohol, or records thereof, or the refusal to assist authorized agents of the commissioner in the course of inspection of the permittee's premises shall be valid grounds for the revocation of the permit.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

7515.1350 STORAGE AND DISPLAY.

Pharmacists shall keep stocks of medicinal liquors in the prescription room or other places of storage in connection with the designated premises. Such liquors shall not be displayed in any showcase of the store proper or its windows.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1360 SELLING OR LIQUIDATING BUSINESS.

Any pharmacist who shall sell or liquidate the business, or discontinue the permit, shall submit to the commissioner a notarized inventory of the stock of medicinal liquors and alcohol on hand, giving the brand names, the size and number of containers, the name of the purchaser or other disposition, together with the permit and the pharmacist's identification card. In the event of sale or transfer, the transferor and the transferee shall sign said inventory.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

ETHYL ALCOHOL

7515.1400 IMPORTATION FOR RESALE.

Minnesota Statutes, section 340.113 provides that ethyl alcohol for industrial and non-industrial purposes, as hereinafter defined, may be imported into the state by duly licensed Minnesota manufacturers or wholesale distributors for resale to persons holding permits issued by the commissioner to purchase such ethyl alcohol, or by persons holding permits issued by the commissioner authorizing the importation of ethyl alcohol as provided in parts 7515.0200 to 7515.0220. Such ethyl alcohol shall not be subject to the Minnesota excise tax.

Statutory Authority: *MS s 299A.02 subd 3*

NOTE: Minnesota Statutes, section 340.113, was repealed by Laws of Minnesota 1985, chapter 305, article 13, section 1.

7515.1410 IMPORTATION LIMITED.

The shipping of ethyl alcohol into the state shall be limited to distillers and wholesale distributors holding import licenses issued by the commissioner, and such persons in accepting orders for such products shall conform with part 7515.1470.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1420 IMPORTER'S REPORT.

Distillers and wholesale distributors in other states and Minnesota manufacturers, wholesale distributors, and common carriers shall report each shipment of ethyl alcohol to the commissioner as provided by parts 7515.1460 and 7515.1470.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1430 INDUSTRIAL PURCHASERS.

The following persons may purchase ethyl alcohol for industrial purposes in containers of one gallon or more:

- A. any state agency;
- B. any scientific university or college of learning;
- C. any laboratory, to be used exclusively for scientific research;
- D. physicians, dentists, or veterinarians;
- E. any duly licensed pharmacist or druggist, for the compounding of prescriptions;
- F. any hospital or sanatorium; and

G. any manufacturer, for the manufacture of medicinal, pharmaceutical, or anti-septic products; flavoring extracts; syrups; food products; scientific, chemical, mechanical, industrial, or toilet products; provided that such products are unfit for beverage use.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1440 NONINDUSTRIAL PURCHASERS.

The following persons may purchase ethyl alcohol for nonindustrial purposes in containers of not less than eight ounces:

A. any duly licensed pharmacist, or druggist, to be sold for medicinal purposes on bona fide prescriptions by a physician, dentist, or veterinarian; and

B. any duly licensed manufacturer, for use in the rectifying or blending of intoxicating liquor and wine.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1450 PURCHASERS; PHYSICIANS, DENTISTS, VETERINARIANS.

Physicians, dentists, and veterinarians holding permits issued by the commissioner may purchase ethyl alcohol in quantities not to exceed two gallons per year from licensed Minnesota manufacturers and wholesale distributors.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1460 AFFIDAVIT REQUIRED FOR SALE.

Manufacturers and wholesale distributors selling ethyl alcohol to pharmacists or druggists for the purpose of compounding medicines shall ascertain that each order is accompanied by an affidavit in duplicate stating the intended use. One copy of the affidavit shall be forwarded to the commissioner by the tenth of the following month.

Statutory Authority: *MS s 299A.02 subd 3*

7515.1470 PURCHASER'S AFFIDAVIT.

Subpart 1. Purchase from out-of-state dealers. Any person authorized to purchase ethyl alcohol from out-of-state manufacturers or wholesale distributors shall submit to the vendor an affidavit in duplicate stating the person's name, the type of permit issued by the commissioner, the permit number, and the permit's date of expiration. One copy of the affidavit shall be retained by the vendor, and one copy, together with manifests in quadruplicate, shall be submitted to the commissioner at the time the shipment is made.

Subp. 2. Purchase from Minnesota dealers. Persons holding permits issued by the commissioner for the purpose of ethyl alcohol for industrial and nonindustrial use from Minnesota manufacturers or wholesale distributors shall execute an affidavit in duplicate to that effect on a form prescribed by the commissioner and shall submit said affidavit to the vendor at the time of purchase. A copy of said affidavit shall be submitted to the commissioner by the vendor on or before the tenth day of the following month, and one copy shall be retained by the vendor.

Subp. 3. Consignment and storage of ethyl alcohol. Permit holders shall direct consignors to consign shipments of ethyl alcohol only to the designated address of the permittees. The storage of such ethyl alcohol shall be confined within the premises in a room or place inaccessible to unauthorized persons.

Statutory Authority: *MS s 299A.02 subd 3*

History: *17 SR 1279*

7515.1480 PERMIT HOLDER'S REPORT.

Permit holders shall report on form no. 27 all purchases of ethyl alcohol, the amount used and the balance at the end of the year. Manufacturers and wholesale distributors shall report the purchase and sales of ethyl alcohol on form no. 29.

Following is the form PS 9024, governing the format for brand owner or wholesale price schedules.

PS 9024

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7515.1480 LIQUOR

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MINNESOTA WHOLESALE PRICE FILING

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WHOLESALER

FOR MONTH OF

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BRAND AND PROOF	SIZE	CASE LIST	CASE DISC.	CREDIT TERMS	CASE NET
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Statutory Authority: *MS s 299A.02 subd 3*