

CHAPTER 7515

DEPARTMENT OF PUBLIC SAFETY

LIQUOR

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7515.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings provided in Minnesota Statutes, chapter 340A, except for the following terms.

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. [Repealed, 27 SR 1580]

Subp. 4. **Beer.** "Beer" as defined in 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 340A.311, and parts 7515.0800 to 7515.0870.

Subp. 6. [Repealed, 27 SR 1580]

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. [Repealed, 27 SR 1580]

Subp. 9. [Repealed, 27 SR 1580]

Subp. 10. **Importer.** “Importer” means any distiller, rectifier, winer, wholesaler, or person within or without the state licensed to ship distilled spirits, wine, or ethyl alcohol to Minnesota manufacturers and wholesalers.

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

Subp. 12. [Repealed, 27 SR 1580]

Subp. 13. **Office or this office.** “Office” or “this office” means the office of the Alcohol and Gambling Enforcement Division.

Subp. 14. **Place of business.** “Place of business” includes any public business establishment or private club where alcoholic beverages or soft drinks are sold, or which permits the display and consumption of alcoholic beverages, as provided for in Minnesota Statutes, section 340A.414.

Subp. 15. [Repealed, 27 SR 1580]

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *L 1985 c 305 art 3 s 1; 17 SR 1279; L 1991 c 249 s 31; L 1997 c 129 art 2 s 15; 27 SR 1580*

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 license or permit unless the applicant has satisfied all preconditions to licensure or permit and 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 14.06; 299A.02; 340.507*

History: *L 1985 c 305; 27 SR 1580*

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 alcoholic beverages of more than 3.2 percent alcohol by

weight 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 must 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. [Repealed, 27 SR 1580]

Subp. 2. **Representatives' identification cards required.** Any distiller, rectifier, winer, or wholesaler having one or more assigned representatives in Minnesota shall for each representative assigned apply to the commissioner on form PS 9127 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 identification card.** Any on-sale or off-sale liquor dealer or any purchasing agent of any municipal liquor store shall apply to the commissioner on form PS 9135 for a permit to purchase alcoholic beverages containing more than 3.2 percent of alcohol by weight from any manufacturer or wholesaler or their agent or representative. The identification cards must be presented to the manufacturer or wholesaler or their agent or representative when ordering alcoholic beverages containing more than 3.2 percent of alcohol by weight. Manufacturers or wholesalers or any agent or representative thereof shall not sell alcoholic beverages containing more than 3.2 percent alcohol by weight to any licensee, permit holder, or purchasing agent of a municipal liquor store unless the person presents a retailer's identification card issued by the commissioner for the current year.

Subp. 4. **Salesperson's identification card.** Minnesota manufacturers, brewers, winers, and wholesalers shall for each employee acting in the capacity of a salesperson or agent apply to the commissioner on form PS 9073 for a salesperson's identification card, which card shall be the authority for the employee to solicit orders from licensed retailers, 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 14.06; 299A.02; 340.507*

History: *8 SR 2478; L 1985 c 305; 17 SR 400; 17 SR 1279; 27 SR 1580*

7515.0220 PERMIT EXPIRATION DATES.

The following permits expire one year from date of issuance:

A. Any physician, dentist, or veterinarian requiring ethyl alcohol in connection with the person's profession shall apply to the commissioner on form PS 9018 for a permit to purchase ethyl alcohol.

B. Any manufacturer of food products requiring intoxicating liquors in connection with the manufacture shall apply to the commissioner on form PS 9018 for a permit to purchase, possess, and use intoxicating liquors.

C. 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 PS 9018 for a permit authorizing the purchase of medicinal liquors or ethyl alcohol.

D. Any pharmacist or druggist requiring ethyl alcohol for the compounding of medicine shall apply to the commissioner on form PS 9018 for a permit to purchase, use, and possess ethyl alcohol.

E. 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 PS 9018 for a permit to purchase ethyl alcohol.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

MANUFACTURERS, WHOLESALERS, AND IMPORTERS; DUTIES AND RESTRICTIONS

7515.0300 DUTIES AND RESTRICTIONS.

Subpart 1. **In general.** The duties and restrictions upon each manufacturer and wholesaler are outlined in this part.

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 agents or 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 person 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 retailers. The invoice must clearly identify seller and purchaser, date, quantity, 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 retailer purchasing jointly or 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 wholesaler shall directly or indirectly or through any affiliate require by agreement or induce any licensed retailer to purchase alcoholic beverages from themselves to the exclusion in whole or in part of other manufacturers or wholesalers if the direct effect from the agreement or inducement is to prevent, hinder, or restrict any other manufacturer or wholesaler from selling or offering for sale alcoholic beverages to any licensed retailer. Manufacturers and wholesalers in respect to retailers are forbidden:

- A. to acquire or hold any direct or indirect interest in any retail license or proprietary interest in the business of a retailer;
- B. to acquire any interest in real or personal property owned, occupied, or used by any retailer in the conduct of business;
- C. to furnish, give, rent, lend, or sell to a retailer any equipment, fixtures, supplies, money, service, or other thing of value, except to the extent permitted by statute;
- D. to pay or credit a retailer 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 retailer;
- F. to extend a retailer 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 retailer 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, or license discipline or denial; or

K. to sell, offer to sell, or contract to sell any licensed retailer any alcoholic beverages on consignment or under conditional sale or with the privilege of return on any basis otherwise than a bona fide sale. This item does 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 wholesaler of alcoholic beverages 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 discounts, rebates, free goods, allowances, or other concessions made because of quantity purchases or for any other reason must be specifically noted on the invoice of each and every retailer to whom the concessions are granted.

Subp. 7. Sales discrimination forbidden. Minnesota manufacturers and wholesalers shall not discriminate in the sale of their products to retailers except that manufacturers or wholesalers may refuse to sell alcoholic beverages to a retailer who may have violated any law, rule, or municipal ordinance relating to the sale of alcoholic beverages at retail, or who has breached a contract for sale with the manufacturer or wholesaler. Upon notice from the commissioner, manufacturers and wholesalers shall not sell alcoholic beverages 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 wholesaler of distilled spirits and wine or their employees shall transport such products in vehicles for the purpose of soliciting orders from retailers and filling such orders from stocks transported in vehicles.

Subp. 9. Container limitation. No manufacturer or wholesaler shall sell distilled spirits to retailers in containers holding more than 64 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 off-sale retailers or licensed common carriers for dining facilities, and licensees who have approved dispensing devices, and hospitals and sanatoriums having a permit to administer 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, or wine containers holding less than 1/20 gallon (6-2/5 ounces) or its metric equivalent, shall be sold to on-sale retailers.

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 wholesaler 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.

Subp. 11. Transfer of business license. Any manufacturer, wholesaler, 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 inventory of alcoholic beverages on hand, giving the brand names, and the size and number of containers. The request for transfer must be accompanied by the license application and bond of the proposed purchaser.

Any application for transfer of a license must be accompanied by a transfer fee of \$10.

Subp. 12. **Branch establishments.** Manufacturers and wholesalers of distilled spirits, wine, and malt beverages licensed by the commissioner may maintain branch establishments provided that the establishments are directly owned and managed by the manufacturers and wholesalers, and that all employees of 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 14.06; 299A.02; 340.507*

History: *L 1985 c 305 art 5 s 1,12; 17 SR 1279; L 1991 c 249 s 31; 27 SR 1580*

7515.0310 WHOLESALE INFORMATION.

Subpart 1. [Repealed, 27 SR 1580]

Subp. 2. [Repealed, 27 SR 1580]

Subp. 3. [Repealed, 27 SR 1580]

Subp. 4. [Repealed, 27 SR 1580]

Subp. 5. [Repealed, 27 SR 1580]

Subp. 6. [Repealed, 27 SR 1580]

Subp. 7. [Repealed, 27 SR 1580]

Subp. 8. [Repealed, 27 SR 1580]

Subp. 9. [Repealed, 27 SR 1580]

Subp. 10. [Repealed, 27 SR 1580]

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 wholesaler who publishes, mails, delivers, distributes, advertises, or in any other way directly or indirectly disseminates written price information for distilled spirits and/or wine, shall, in any such material, include all allowances, discounts, or terms, and shall disseminate the information to all retailers served by it.

Subp. 13. [Repealed, 27 SR 1580]

Subp. 14. [Repealed, 27 SR 1580]

Subp. 15. [Repealed, 27 SR 1580]

Subp. 16. [Repealed, 27 SR 1580]

Subp. 17. [Repealed, 27 SR 1580]

Subp. 18. **Shipment 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. [Repealed, 27 SR 1580]

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

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 Min-

nesota wholesalers and manufacturers all intoxicating liquor (except wines and malt beverages) brought into Minnesota. If the 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 the wholesalers and manufacturers.

Subp. 2. Price posting. No importer shall offer any intoxicating liquor for sale to any Minnesota wholesaler or manufacturer without first filing with the department and mailing an itemized list specifying the price, brand, type, container size, proof, and the age of the liquor offered, to all Minnesota manufacturers and wholesalers, on a form approved by the commissioner. 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. [Repealed, 27 SR 1580]

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *L 1985 c 305 art 5 s 7; 27 SR 1580*

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 over 21 years of age.

B. The applicant shall have good moral character and reputation. An applicant does not have good moral character and reputation if, based on past activities or criminal record, the applicant poses a threat to the public interest or to the effective regulation and control of alcohol or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and activities in the manufacture, sale, distribution, or possession for sale or distribution of alcohol or the carrying on of the business and financial arrangements incidental to the manufacture, sale, distribution, or possession for sale or distribution of alcohol.

C. The applicant shall not have been convicted within five years prior to the application of such license of any willful violation of law relating to the manufacture, sale, or possession for sale of alcoholic beverages or any felony.

D. Neither the licensee or anyone with business interests in the entity pursuing licensure shall have had an interest in a license which was revoked within the last five years for a willful violation of any laws or ordinances, or any felony.

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

F. 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.

G. 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 14.06; 299A.02; 340.507*

History: *L 1985 c 305 art 5 s 1; 17 SR 1279; 27 SR 1580*

7515.0420 LIMITED NUMBER GRANTED.

Retail liquor licenses shall be granted only in the number authorized by Minnesota Statutes, chapter 340A, or by a duly enacted and approved local law.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0430 ON-SALE APPLICATIONS.

Subpart 1. **Filing application.** 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. 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 must contain a specific description of the premises to which the license applies. The description must state the numbered street address or the description of the lot, block, addition, or township. In addition, the license application must include a complete description of the compact and contiguous area in which the licensee will conduct business, including a description of physically connected attachments to the main structure such as patios, decks, or pavilions. 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 must specify the floor and the space to which the license will 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 Minnesota Statutes, chapter 340A.

Subp. 4. [Repealed, 27 SR 1580]

Subp. 5. **Application check; council action.** The clerk shall read each application 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 form PS 9011 stating that a license has been issued. The form must show the full name and the address of the person or persons to whom the license is granted, the effective date and expiration date of the license, and all additional information required to complete the form which shall be furnished by the commissioner.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0440 OFF-SALE COMBINATION AND CERTAIN ON-SALE APPLICATIONS.

Subpart 1. **Commissioner's approval required.** All off-sale, club on-sale, on-sale wine, 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, the licenses shall not be effective.

Subp. 2. **Application procedure.** The commissioner shall furnish current application blanks and license forms for off-sale, county on-sale, on-sale wine, 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 in duplicate and file it with the clerk or county auditor who shall read it to determine that all questions are answered completely and the form is 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 current form for off-sale, club on-sale, county on-sale, or on-sale wine fully executed by the applicant;

B. one copy of the license certificate for off-sale, club on-sale, county on-sale, and on-sale wine;

C. one on-sale license form PS 9011, with the clerk's signature and corporate seal of the municipality or county affixed;

D. one on-sale license form PS 9011 for Sunday sales if applicable;

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

F. the result 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 must 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 the copy of the application. The new license certificate with endorsement of approval will be returned to the clerk or auditor. The documents shall be retained by the issuing authority for six years after the date of expiration of the license.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

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 must be in writing, and must be accompanied by a corrected liquor liability insurance certification showing the new location.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0460 LIQUIDATION OF BUSINESS; REPORT.

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

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

7515.0470 MUNICIPAL LIQUOR STORES.

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

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

B. 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 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 in writing, 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 in writing, accompanied by new liquor liability certification for the new location. In the event of the discontinuance of such a store, written inventory of the stock on hand must 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. The inventory shall be signed by the transferor and transferee. The clerk of the municipality shall submit the inventory and the retailer's identification card to the commissioner for cancellation.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

RETAIL LICENSES AND MUNICIPAL LIQUOR STORES

7515.0500 RETAIL LICENSE REQUIRED.

All private retail dealers in alcoholic beverages 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 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0510 IDENTIFICATION CARD REQUIRED.

Retailers shall obtain a retailer'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 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0520 PURCHASE FROM LICENSED MANUFACTURERS.

All retailers shall purchase their stock of alcoholic beverages only from duly licensed Minnesota manufacturers, brewers, and wholesalers. Retailers may purchase intoxicating liquors from other retailers only under the conditions stated in part 7515.0650.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 retailers must 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 alcoholic beverages. The invoices must state the date, from whom purchased or to whom sold, the quantity, the brand name, size of containers, and price.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 may sell alcoholic beverages 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.

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

Subp. 5. Containers subject to seizure. Alcoholic beverages in open containers which upon inspection indicate dilution, tampering, refilling, or impurities are subject to seizure by the commissioner.

Subp. 6. Containers must be visible to public. All containers from which alcoholic beverages are sold or dispensed must 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 the device can be operated in full compliance with 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 considers necessary for any such approval and the failure to meet those conditions or the violation of those conditions shall terminate any approval.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *L 1985 c 305 art 3 s 1; art 7 s 8; 17 SR 1279; L 1997 c 129 art 2 s 15; 27 SR 1580*

7515.0570 OFF-SALE BY PACKAGE ONLY.

Off-sale dealers shall sell alcoholic beverages 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

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vehicle. No alcoholic beverages shall be sold through any opening or window to any person outside of the licensed premises.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0580 DELIVERY.

Subpart 1. **Restrictions.** Only licensed or authorized off-sale liquor retailers and no other class of retailers may make deliveries of alcoholic beverages from their stores to the residence of a purchaser or other location, provided however, that such delivery shall be made only to a person 21 or more years of age; and provided further, that such delivery must not be made to alcohol beverage licensed establishments 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 alcoholic beverages to purchasers must 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 alcoholic beverages to be delivered. Upon delivery, the invoice must 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. **Retailer may refuse to deliver.** Any retailer, or employee or agent of the retailer, may refuse to sell or deliver alcoholic beverages to any person whom they have reason to believe is ineligible to buy such liquor, as provided by Minnesota Statutes, sections 340A.502 to 340A.505 and 340A.701 to 340A.705, or whom they have reason to believe intends to deliver the alcoholic beverages to ineligible consumers. They may require a person of doubtful age to produce written evidence as required in Minnesota Statutes, section 340A.503, subdivision 6, of being 21 or more years of age.

Subp. 4. **Forbidden deliveries.** No off-sale retailer shall sell, ship, or deliver alcoholic beverages 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 alcoholic beverages 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 14.06; 299A.02; 340.507*

History: *8 SR 2478; L 1985 c 305 art 7 s 4; art 9 s 1 to 5; 17 SR 1279; 27 SR 1580*

7515.0590 SALES RESTRICTIONS.

Subpart 1. **Retailers not to sell for resale.** A retailer or municipal liquor store shall not sell intoxicating liquor to any person for the purpose of resale, or to any person about whom the retailer 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 retailer or municipal liquor store may be canceled by the commissioner if the holder of the card sells for resale. A violation of part 7515.0610 shall be grounds for cancellation.

Subp. 3. **Refusal to sell.** Retailers 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 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

7515.0600 SOLICITATION.

The solicitation of customers by retailers outside the licensed premises or by the use of telephone, telegraph, or the United States mail is prohibited except where permitted by statute.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 retailer 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 this provision is guilty of a gross misdemeanor.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0630 STORAGE.

Retailers may not store excess stocks of intoxicating liquor in places other than the licensed premises without written approval of the commissioner. The place of storage must 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 must be reported to the commissioner in writing.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0640 FIRES OR OTHER DAMAGE.

In the event of a fire or other disaster in an area where alcoholic beverages are stored or kept for sale, the licensee shall promptly inform the commissioner of such disaster. The commissioner shall promptly inspect the premises to determine if the alcoholic beverages are fit for human consumption and shall order all of the liquor and wine that is not fit for human consumption immediately destroyed. No sale of alcoholic beverages which have been exposed to a fire or other disaster shall be made until the 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 14.06; 299A.02; 340.507*

History: *17 SR 1279; L 1991 c 249 s 31; 27 SR 1580*

7515.0650 TRANSFER OF LICENSE OR BUSINESS.

Any licensed retailer 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 retailer or wholesale licensee in Minnesota. When the sale is completed, the seller and buyer must 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. The seller must return the retailer's identification card to the commissioner and the retail license to the issuing authority for cancellation. Any change 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 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

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. [Repealed, 27 SR 1580]

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 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0720 MANDATORY STATEMENTS.

Subpart 1. **Responsible advertiser.** The advertisement must 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 must contain a conspicuous statement of the 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 must 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, the advertisement must state the percentage of neutral spirits used and the name of the commodity from which the 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, the advertisement must state the name of the commodity from which the 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 alcoholic beverages (such as whiskey) and the advertiser markets more than one brand of alcoholic beverages of that class, or where the advertisement refers to several classes of alcoholic beverages (such as whiskey, brandy, rum, gin, and liqueur) marketed under a single brand, the only mandatory information prescribed by this part applicable to the 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 alcoholic beverages in such establishments but which otherwise make no reference to a specific brand are subject only to the prohibited statements provisions of parts 7515.0740 and 7515.0750.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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, 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.

H. 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.

I. 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. [Repealed, 27 SR 1580]

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 wholesale 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.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

BRAND LABELS AND ANALYSIS OF ALCOHOLIC BEVERAGES

7515.0800 BRAND LABEL APPROVAL.

Subpart 1. **Commissioner's approval required.** No brand of alcoholic beverage may be imported into or sold within 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.

Subp. 3. **Confiscation.** Any alcoholic beverages whose brand label is not approved and registered shall be confiscated by the commissioner or a licensed peace officer.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0810 BRAND LABEL OWNERSHIP.

The brand label for an intoxicating malt liquor, 3.2 percent malt liquor, or wine 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 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0820 REGISTRATION.

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

A. a check payable to "Director of Alcohol and Gambling Enforcement" in the amount of \$30, for payment of the registration fee for each brand and for each type of product or \$20 for each registration renewal;

B. a set of 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 14.06; 299A.02; 340.507*

History: *17 SR 1279; L 1997 c 129 art 2 s 15; 27 SR 1580*

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 EXPIRATION.

Any brand of alcoholic beverage for which registration has expired 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 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0850 IMPORTERS TO ASCERTAIN REGISTRATION.

Minnesota manufacturers and wholesalers 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 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 alcoholic beverages and ethyl alcohol, provides that only duly licensed importers may ship such products into Minnesota and that products shipped shall be consigned to and received only by duly licensed Minnesota manufacturers and wholesalers. 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. [Repealed, 27 SR 1580]

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *L 1985 c 305 art 5 s 2,16; 27 SR 1580*

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.** Alcoholic beverages and ethyl alcohol shall be imported into Minnesota only by persons holding Minnesota import licenses, except as provided by Minnesota Statutes, sections 340A.316 and 340A.417.

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 must be reported promptly to the commissioner.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.0930 [Repealed, 27 SR 1580]

7515.0940 TRANSPORTATION.

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

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *8 SR 2478; 27 SR 1580*

7515.0950 CONFISCATION.

Minnesota Statutes, sections 297G.20, subdivision 1, and 340A.7035, provide that any alcoholic beverages which are not considered tax exempt under Minnesota Statutes, section 297G.07, subdivision 2, and which are imported, sold, held with intent to sell, or possessed, without payment of excise taxes, shall be subject to confiscation.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 the samples shall be made by a chemist designated by the commissioner.

In the event that the commissioner finds 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, the discrepancy is valid grounds for the seizure and confiscation of the shipments or warehouse stock and any further importation or sale of the brand or brands is prohibited within the state.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 [Repealed, 27 SR 1580]

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 there-

from, 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 2.5 percent by weight of the finished product. Synthetic or imitation flavoring materials shall not be included.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.1040 STANDARDS OF FILL FOR DISTILLED SPIRITS.

Code of Federal Regulations for distilled spirits, title 27, chapter I, parts 5.47 and 5.47A, as amended, is adopted as the rule for the standards of fill requirements for containers of distilled spirits sold within the state, insofar as federal regulations or amendments are not contrary to or inconsistent with this chapter or Minnesota Statutes, chapter 340A.

Code of Federal Regulations for distilled spirits, title 27, chapter I, part 5.22, as amended, is adopted as the rule for the standards of identity and labeling requirements for containers of distilled spirits sold within this state, insofar as the federal regulations or amendments are not contrary or inconsistent with this chapter or Minnesota Statutes, chapter 340A.

Tolerance in the 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 must be followed in all bottling or selling of distilled spirits in Minnesota.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.1050 WINE GENERAL REQUIREMENTS.

Code of Federal Regulations for wine, title 27, chapter I, parts 4.72 and 4.73, as amended, is adopted as the rule for the standards of identity and labeling requirements for containers of wine sold within the state, insofar as federal regulations or amendments are not contrary to or inconsistent with this chapter or Minnesota Statutes, chapter 340A.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *L 1985 c 305; 27 SR 1580*

7515.1060 PACKAGING OF WINE TO CONFORM TO FEDERAL REGULATIONS.

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

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.1070 STANDARDS OF FILL FOR WINE.

Tolerance in the 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 must be followed in all bottling or selling of wine in Minnesota.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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, in-

sofar 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 OF MALT BEVERAGES TO CONFORM TO FEDERAL REGULATIONS.

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

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 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 14.06; 299A.02; 340.507*

History: *12 SR 1456; 27 SR 1580*

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 CONTENT FOR MALT BEVERAGES.

Code of Federal Regulations for malt beverages, title 27, chapter I, part 7.27, as amended, is 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 are not contrary to or inconsistent with this chapter or Minnesota Statutes, chapter 340A.

The regulations adopted by the secretary of the treasury pursuant to the Federal Alcohol Administration Act governing standards of content must be followed in all bottling or selling of malt beverages in Minnesota.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

PERMITS FOR CONSUMPTION AND DISPLAY OF INTOXICATING LIQUOR; SET UP PERMITS

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 with a fee of \$150 in the form of a check payable to the "Director of Alcohol and Gambling Enforcement, State of Minnesota."

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *L 1985 c 305 art 6 s 14; L 1997 c 129 art 2 s 15; 27 SR 1580*

7515.1210 DISQUALIFICATIONS.

Subpart 1. [Repealed, 27 SR 1580]

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 alcoholic beverages within the past five years will be considered.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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 the bottle or bottles must 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 a business establishment must 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 according to Minnesota Statutes, section 340A.414, is prohibited unless the 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 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

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. [Repealed, 27 SR 1580]

Subp. 2. [Repealed, 27 SR 1580]

Subp. 3. **Confiscation.** Ethyl alcohol in the possession of any pharmacists who do not have the required permit issued by the commissioner, pursuant to part 7515.0220, item D, shall be subject to confiscation.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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. [Repealed, 27 SR 1580]

Subp. 3. **Purchase from licensed dealers.** Pharmacists shall purchase 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. [Repealed, 27 SR 1580]

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.1320 [Repealed, 27 SR 1580]

7515.1330 RECORDS.

Pharmacists holding a permit to purchase ethyl alcohol for compounding of medicines shall maintain a complete record of all purchases made for inspection by the commissioner.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.1340 IRREGULARITIES IN STOCKS.

Subpart 1. **Grounds for confiscation.** Irregularities in stocks of 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 pharmacist or employee of any 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 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

7515.1350 [Repealed, 27 SR 1580]

7515.1360 SELLING OR LIQUIDATING BUSINESS.

Any pharmacist who shall sell or liquidate the business, or discontinue the permit, shall submit to the commissioner an inventory of the stock of alcohol on hand, the size and number of containers, and the name of the purchaser or other disposition, together with the permit. In the event of sale or transfer, the transferor and the transferee shall sign the inventory.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *17 SR 1279; 27 SR 1580*

ETHYL ALCOHOL

7515.1400 IMPORTATION FOR RESALE.

Minnesota Statutes, section 340A.302, provides that ethyl alcohol for industrial and nonindustrial purposes, as defined in parts 7515.1430 and 7515.1440, 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 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 is not subject to the Minnesota excise tax.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.1410 IMPORTATION LIMITED.

The shipping of ethyl alcohol into the state shall be limited to distillers and wholesalers holding import licenses issued by the commissioner and those qualifying under part 7515.1470.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

7515.1420 [Repealed, 27 SR 1580]

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 wholesalers.

Statutory Authority: *MS s 14.06; 299A.02; 340.507*

History: *27 SR 1580*

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

MINNESOTA RULES 2007

7515.1480 LIQUOR

502

MINNESOTA WHOLESALE PRICE FILING

Page No. ____

WHOLESALER _____

FOR MONTH OF _____, _____

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

History: *L 1998 c 254 art 1 s 107*