

CHAPTER 340A

LIQUOR ACT

340A.402	Persons eligible.	340A.414	Licensing of bottle clubs.
340A.404	Intoxicating liquor; on-sale licenses.	340A.503	Persons under 21; illegal acts.
340A.405	Intoxicating liquor; off-sale licenses.	340A.504	Hours and days of sale.
340A.408	Retail license fees.	340A.510	Samples.
340A.410	License restrictions; general.	340A.701	Felonies.
340A.412	License restrictions; intoxicating liquor licenses.	340A.702	Gross misdemeanors.
		340A.801	Civil actions.

340A.402 PERSONS ELIGIBLE.

No retail license may be issued to:

- (1) a person not a citizen of the United States or a resident alien;
- (2) a person under 21 years of age;
- (3) a person who has had an intoxicating liquor or nonintoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; or
- (4) a person not of good moral character and repute.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

History: 1989 c 49 s 1

340A.404 INTOXICATING LIQUOR; ON-SALE LICENSES.

[For text of subd 1, see M.S.1988]

Subd. 2. **Special provision; city of Minneapolis.** (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theatre, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theatres and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

[For text of subds 3 to 10, see M.S.1988]

History: 1989 c 40 s 1

340A.405 INTOXICATING LIQUOR; OFF-SALE LICENSES.

Subdivision 1. **Cities.** A city may issue with the approval of the commissioner, an off-sale intoxicating liquor license to an exclusive liquor store or to a drugstore. A city of the first class may issue an off-sale license to a general food store to which an off-sale license had been issued on August 1, 1989.

[For text of subds 2 to 5, see M.S.1988]

History: 1989 c 49 s 2

340A.408 RETAIL LICENSE FEES.*[For text of subds 1 to 3, see M.S.1988]*

Subd. 3a. **Fee increases; notice, hearing.** No city, town, or county shall increase the fee for a liquor license governed by subdivision 1, 2, or 3, except after notice and hearing on the proposed increase. Notice of the proposed increase must be mailed to all affected licensees at least 30 days before the date set for the hearing. This subdivision supersedes any inconsistent provision of law or charter.

*[For text of subds 4 and 5, see M.S.1988]***History:** 1989 c 104 s 1**340A.410 LICENSE RESTRICTIONS; GENERAL.***[For text of subds 1 to 4, see M.S.1988]*

Subd. 5. **Gambling prohibited.** (a) No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein except as provided in this subdivision.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized under chapter 349.

(c) Lottery tickets may be purchased and sold within the licensed premises as authorized by the director of the lottery under chapter 349A.

*[For text of subds 6 to 9, see M.S.1988]***History:** 1989 c 334 art 6 s 5**340A.412 LICENSE RESTRICTIONS; INTOXICATING LIQUOR LICENSES.**

Subdivision 1. [Repealed, 1989 c 49 s 8]

*[For text of subds 2 to 11, see M.S.1988]***340A.414 LICENSING OF BOTTLE CLUBS.***[For text of subds 1 to 5, see M.S.1988]*

Subd. 6. **Permit fees.** The annual fee for issuance of a permit under this section is \$150. The governing body of a city or county where the establishment is located may impose an additional fee of not more than \$300.

*[For text of subds 7 to 9, see M.S.1988]***History:** 1989 c 209 art 1 s 34**340A.503 PERSONS UNDER 21; ILLEGAL ACTS.***[For text of subd 1, see M.S.1988]*Subd. 2. **Purchasing.** It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, except that a parent or guardian of a person under the age of 21 years may give or furnish alcoholic beverages to that person solely for consumption in the household of the parent or guardian;

(2) under the age of 21 years to purchase or attempt to purchase any alcoholic beverage; or

(3) to induce a person under the age of 21 years to purchase or procure any alcoholic beverage, or to lend or knowingly permit the use of the person's driver's

license, permit, Minnesota identification card, or other form of identification by a person under the age of 21 years for the purpose of purchasing or attempting to purchase an alcoholic beverage.

[For text of subds 3 to 5, see M.S.1988]

Subd. 6. Proof of age; defense. (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid drivers license or Minnesota identification card, or in the case of a foreign national by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

Subd. 7. [Repealed, 1989 c 351 s 19]

History: 1989 c 301 s 13,14

340A.504 HOURS AND DAYS OF SALE.

[For text of subd 1, see M.S.1988]

Subd. 2. Intoxicating liquor; on-sale. No sale of intoxicating liquor for consumption on the licensed premises may be made:

- (1) between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
- (2) after 1:00 a.m. on Sundays, except as provided by subdivision 3;
- (3) between 8:00 p.m. on December 24 and 8:00 a.m. on December 25, except as provided by subdivision 3.

Subd. 3. Intoxicating liquor; Sunday sales; on-sale. (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and 1:00 a.m. on Mondays.

(b) The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, bowling center, or club to sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota clean air act.

(c) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(d) A municipality may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the municipality voting on the question at a general or special election.

(e) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(f) Voter approval is not required for licenses issued by the metropolitan airports commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$50, plus \$5 for each duplicate.

Subd. 4. Intoxicating liquor; off-sale. No sale of intoxicating liquor may be made by an off-sale licensee:

- (1) on Sundays;
- (2) before 8:00 a.m. on Monday through Saturday;
- (3) after 10:00 p.m. on Monday through Saturday at an establishment located in a city other than a city of the first class or within a city located within 15 miles of a city of the first class in the same county;

(4) after 8:00 p.m. on Monday through Thursday and after 10:00 p.m. on Friday and Saturday at an establishment located in a city of the first class or within a city located within 15 miles of a city of the first class in the same county, provided that an establishment may sell intoxicating liquor until 10:00 p.m. on December 31 and July 3, and on the day preceding Thanksgiving day, unless otherwise prohibited under clause (1);

(5) on Thanksgiving Day;

(6) on Christmas Day, December 25; or

(7) after 8:00 p.m. on Christmas Eve, December 24.

[For text of subds 5 and 6, see M.S.1988]

History: 1989 c 49 s 3-5

340A.510 SAMPLES.

Off-sale licenses and municipal liquor stores may provide samples of malt liquor, wine, liqueurs, and cordials which the licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, and cordial samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale in a quantity less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer and 25 milliliters of liqueur or cordial per variety per customer.

History: 1989 c 49 s 6

340A.701 FELONIES.

Subdivision 1. **Unlawful acts.** It is a felony:

(1) to manufacture alcoholic beverages in violation of this chapter;

(2) to transport or import alcoholic beverages into the state in violation of this chapter for purposes of resale; or

(3) to sell or give away for beverage purposes poisonous alcohol, methyl alcohol, denatured alcohol, denaturing material, or any other alcoholic substance capable of causing serious physical or mental injuries to a person consuming it; or

(4) for a person other than a licensed retailer of alcoholic beverages, a bottle club permit holder, a municipal liquor store, or an employee or agent of any of these who is acting within the scope of employment, to violate the provisions of section 340A.503, subdivision 2, clause (1), by selling alcoholic beverages if the underage purchaser of the alcoholic beverage becomes intoxicated and causes or suffers death or great bodily harm as a result of the intoxication.

Subd. 2. **Presumptive sentence.** In determining an appropriate disposition for a violation of subdivision 1, clause (4), the court shall presume that a stay of execution with a 90-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the sentencing guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the sentencing guidelines under section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it.

History: 1989 c 290 art 7 s 1

340A.702 GROSS MISDEMEANORS.

It is a gross misdemeanor:

(1) to sell an alcoholic beverage without a license authorizing the sale;

(2) for a licensee to refuse or neglect to obey a lawful direction or order of the commissioner or the commissioner's agent, withhold information or a document the commissioner calls for examination, obstruct or mislead the commissioner in the execution of the commissioner's duties or swear falsely under oath;

- (3) to violate the provisions of sections 340A.301 to 340A.313;
- (4) to violate the provisions of section 340A.508;
- (5) for any person, partnership, or corporation to knowingly have or possess direct or indirect interest in more than one off-sale intoxicating liquor license in a municipality in violation of section 340A.412, subdivision 3;
- (6) to sell or otherwise dispose of intoxicating liquor within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of human services or the commissioner of corrections;
- (7) to violate the provisions of section 340A.502;
- (8) except as otherwise provided in section 340A.701, to violate the provisions of section 340A.503, subdivision 2, clause (1) or (3);
- (9) to withhold any information, book, paper, or other thing called for by the commissioner for the purpose of an examination;
- (10) to obstruct or mislead the commissioner in the execution of the commissioner's duties; or
- (11) to swear falsely concerning any matter stated under oath.

History: 1989 c 290 art 7 s 2

340A.801 CIVIL ACTIONS.

[For text of subds 1 to 3, see M.S.1988]

Subd. 3a. **Defense.** The defense described in section 340A.503, subdivision 6, applies to actions under this section.

[For text of subd 4, see M.S.1988]

History: 1989 c 301 s 15