340A.4015 NURSING HOMES, BOARDING CARE HOMES, AND ASSISTED LIVING FACILITIES; WHEN LICENSE NOT REQUIRED.

(a) For purposes of this section, "facility" means a nursing home as defined in section 144A.01, subdivision 5, a boarding care home as defined in Minnesota Rules, chapter 4655, or an assisted living facility as defined in section 144G.08, subdivision 7.

(b) A facility is not required to obtain a license or permit under this chapter for the service of intoxicating liquor on its premise, subject to the following conditions:

(1) the facility must submit notice to the commissioner of the facility's intent to allow the service of intoxicating liquor under this section;

(2) the facility must hold the license required by the commissioner of health to be a valid licensed facility;

(3) intoxicating liquor may only be served to or by the residents of the facility and their guests, when the guests are physically accompanied by a resident for the entirety of the service;

(4) the service of intoxicating liquor may only occur at activities or events conducted primarily for residents of the facility and their invited guests, and only within the licensed facility or on the facility's property;

(5) intoxicating liquor may not be sold, offered for sale, or otherwise provided for any form of consideration; and

(6) facilities are subject to all other provisions and requirements of this chapter and applicable rules, not inconsistent with this section.

(c) A facility allowing the service of intoxicating liquor under this section must be open for inspection by the commissioner and the commissioner's representative and by peace officers, who may enter and inspect during reasonable hours.

(d) Facilities operating under this section are subject to the requirements and penalties in section 340A.415 in the same manner as if they were a license or permit holder.

(e) The commissioner may take enforcement action as provided in section 340A.415 against any facility operating under this section for any violation of this section and any other provision of this chapter and Minnesota Rules, chapter 7515, not inconsistent with this section, including service to an obviously intoxicated person, unlawful furnishing, underage access or consumption, unlawful possession, unlawful storage, or other alcohol-related violations.

(f) The commissioner may prohibit service and require corrective action plans or mandatory training for staff prior to a facility resuming operation under this section.

(g) The commissioner may refer any pattern of unsafe service, health risk associated with alcohol service or storage, or failure to comply with this section to the commissioner of health for investigation.

(h) Nothing in this section limits or otherwise affects criminal enforcement under this chapter or any other law against a facility or any person.

History: *2026 c 48 s 2; 2026 c 124 art 1 s 62*