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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 121

01/12/2015 Authored by Swedzinski, Pugh, O'Neill, Lien and Howe

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act  
1.2 relating to liquor; allowing small brewers to sell growlers on Sundays; amending  
1.3 Minnesota Statutes 2014, section 340A.301, subdivision 6d.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 340A.301, subdivision 6d, is amended to  
1.6 read:

1.7 Subd. 6d. **Small brewer license.** (a) A brewer licensed under subdivision 6, clause  
1.8 (c), (i), or (j), may be issued a license by a municipality for off-sale of malt liquor at its  
1.9 licensed premises that has been produced and packaged by the brewer. The license must be  
1.10 approved by the commissioner. The amount of malt liquor sold at off-sale may not exceed  
1.11 500 barrels annually. Off-sale of malt liquor shall be limited to the legal hours for off-sale at  
1.12 exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor  
1.13 sold off-sale must be removed from the premises before the applicable off-sale closing time  
1.14 at exclusive liquor stores, except that off-sale liquors may be sold by a small brewer on  
1.15 Sundays. Sunday sales must be approved by the licensing jurisdiction, and hours may be  
1.16 established by those jurisdictions. The malt liquor shall be packed in 64-ounce containers  
1.17 commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall  
1.18 bear a twist-type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic  
1.19 adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over  
1.20 the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken  
1.21 upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the  
1.22 name and address of the brewer. The containers or bottles shall be identified as malt  
1.23 liquor, contain the name of the malt liquor, bear the name and address of the brewer selling

2.1 the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is  
2.2 labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100.

2.3 (b) A brewer may, but is not required to, refill any growler with malt liquor for  
2.4 off-sale at the request of a customer. A brewer refilling a growler must do so at its licensed  
2.5 premises and the growler must be filled at the tap at the time of sale. A growler refilled  
2.6 under this paragraph must be sealed and labeled in the manner described in paragraph (a).

2.7 (c) A brewer may only have one license under this subdivision.

2.8 (d) A municipality may not issue a license under this subdivision to a brewer if the  
2.9 brewer seeking the license, or any person having an economic interest in the brewer  
2.10 seeking the license or exercising control over the brewer seeking the license, is a brewer  
2.11 that brews more than 20,000 barrels of its own brands of malt liquor annually or a winery  
2.12 that produces more than 250,000 gallons of wine annually.

2.13 (e) The municipality shall impose a licensing fee on a brewer holding a license  
2.14 under this subdivision, subject to limitations applicable to license fees under section  
2.15 340A.408, subdivision 3, paragraph (a).

2.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.