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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2619

05/12/2021

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The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to commerce; modifying regulatory requirements for certain licensees;
1.3 amending Minnesota Statutes 2020, sections 157.20, subdivision 5; 340A.404,
1.4 subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2020, section 157.20, subdivision 5, is amended to read:

1.7 Subd. 5. Variance requests. (a) A person may request a variance from all parts of
1.8 Minnesota Rules, chapter 4626, except as provided in paragraph (b) or Minnesota Rules,
1.9 chapter 4626. At the time of application for plan review, the person, operator, or submitter
1.10 must be notified of the right to request variances.

1.11 (b) No variance may be requested or approved for the following parts of Minnesota
1.12 Rules, chapter 4626:

- 1.13 (1) Minnesota Rules, part 4626.0020, subpart 35;
1.14 (2) Minnesota Rules, parts 4626.0040 to ~~4626.0060~~ 4626.0050;
1.15 (3) Minnesota Rules, parts 4626.0065 to 4626.0100;
1.16 (4) Minnesota Rules, parts 4626.0105 to 4626.0120;
1.17 (5) Minnesota Rules, part 4626.1565;
1.18 (6) Minnesota Rules, parts 4626.1590 and 4626.1595; and
1.19 (7) Minnesota Rules, parts 4626.1600 to 4626.1675.

1.20 (c) The provisions of this section and Minnesota Rules, chapter 4626, do not apply to a
1.21 licensee under section 340A.403, with sales of less than \$50,000 for the preceding year.

2.1 Sec. 2. Minnesota Statutes 2020, section 340A.404, subdivision 5, is amended to read:

2.2 Subd. 5. **Wine licenses.** (a) A municipality may issue an on-sale wine license with the  
2.3 approval of the commissioner to a restaurant having facilities for seating at least 25 guests  
2.4 at one time. A wine license permits the sale of wine of up to 24 percent alcohol by volume  
2.5 for consumption. A wine license authorizes the sale of wine on all days of the week unless  
2.6 the issuing authority restricts the license's authorization to the sale of wine on all days except  
2.7 Sundays.

2.8 (b) The governing body of a municipality may by ordinance authorize a holder of an  
2.9 on-sale wine license issued pursuant to paragraph (a) who is also licensed to sell 3.2 percent  
2.10 malt liquors at on-sale pursuant to section 340A.411, to sell intoxicating malt liquors at  
2.11 on-sale without an additional license.

2.12 (c) A municipality may issue an on-sale wine license with the approval of the  
2.13 commissioner to a licensed bed and breakfast facility. A license under this paragraph  
2.14 authorizes a bed and breakfast facility to furnish wine only to registered guests of the facility  
2.15 and, if the facility contains a licensed commercial kitchen, also to guests attending private  
2.16 events at the facility.

2.17 (d) The State Agricultural Society may issue an on-sale wine license to the holder of a  
2.18 state fair concession contract pursuant to section 37.21, subdivision 2.

2.19 (e) The requirements of paragraph (a) do not apply to licensees under section 340A.403  
2.20 with sales of less than \$50,000 for the preceding year.