

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 2270

(SENATE AUTHORS: EKEN)

DATE
03/11/2019

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Introduction and first reading
Referred to Commerce and Consumer Protection Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to liquor; eliminating volume limits on direct shipment of wine for personal
1.3 use; amending Minnesota Statutes 2018, section 340A.417.

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

1.5 Section 1. Minnesota Statutes 2018, section 340A.417, is amended to read:

1.6 **340A.417 SHIPMENTS INTO MINNESOTA.**

1.7 (a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter, a
1.8 winery licensed in a state other than Minnesota, or a winery located in Minnesota, may ship
1.9 wine, for personal use and not for resale, ~~not more than two cases of wine, containing a~~
1.10 ~~maximum of nine liters per case, in any calendar year~~ to any resident of Minnesota age 21
1.11 or over. Delivery of a shipment under this section may not be deemed a sale in this state.

1.12 (b) The shipping container of any wine sent under this section must be clearly marked
1.13 "Alcoholic Beverages: adult signature (over 21 years of age) required."

1.14 (c) It is not the intent of this section to impair the distribution of wine through distributors
1.15 or importing distributors, but only to permit shipments of wine for personal use.

1.16 (d) No criminal penalty may be imposed on a person for a violation of this section other
1.17 than a violation described in paragraph (e) or (f). Whenever it appears to the commissioner
1.18 that any person has engaged in any act or practice constituting a violation of this section,
1.19 and the violation is not within two years of any previous violation of this section, the
1.20 commissioner shall issue and cause to be served upon the person an order requiring the
1.21 person to cease and desist from violating this section. The order must give reasonable notice
1.22 of the rights of the person to request a hearing and must state the reason for the entry of the

2.1 order. Unless otherwise agreed between the parties, a hearing shall be held not later than
2.2 seven days after the request for the hearing is received by the commissioner after which
2.3 and within 20 days after the receipt of the administrative law judge's report and subsequent
2.4 exceptions and argument, the commissioner shall issue an order vacating the cease and
2.5 desist order, modifying it, or making it permanent as the facts require. If no hearing is
2.6 requested within 30 days of the service of the order, the order becomes final and remains
2.7 in effect until modified or vacated by the commissioner. All hearings shall be conducted in
2.8 accordance with the provisions of chapter 14. If the person to whom a cease and desist order
2.9 is issued fails to appear at the hearing after being duly notified, the person shall be deemed
2.10 in default, and the proceeding may be determined against the person upon consideration of
2.11 the cease and desist order, the allegations of which may be deemed to be true.

2.12 (e) Any person who violates this section within two years of a violation for which a
2.13 cease and desist order was issued under paragraph (d), is guilty of a misdemeanor.

2.14 (f) Any person who commits a third or subsequent violation of this section within any
2.15 subsequent two-year period is guilty of a gross misdemeanor.

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