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State of Minnesota

HOUSE OF REPRESENTATIVES

A bill for an act

relating to liquor; authorizing the issuance of an off-sale intoxicating liquor license

to food retailers; amending Minnesota Statutes 2016, sections 340A.101, by adding

NINETIETH SESSION

H. F. No. 4152

03/22/2018 Authored by Nash; Fenton; Loonan; Anderson, S., and Drazkowski
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

| 1.4 1.5 | a subdivision; 340A.405, subdivision 1; 340A.412, subdivision 3, by adding a subdivision; 340A.413, subdivision 5; 340A.503, subdivision 4. |
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| 1.6 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: |
| 1.7 | Section 1. Minnesota Statutes 2016, section 340A.101, is amended by adding a subdivision |
| 1.8 | to read: |
| 1.9 | Subd. 10b. Food retailer. "Food retailer" is a for-profit, not-for-profit, or cooperative |
| 1.10 | self-service retail establishment that sells, directly to consumers: bread and bakery items; |
| 1.11 | meats, seafood, and poultry; fruits, vegetables, and other produce; dairy products; and dried, |
| 1.12 | canned, and other packaged groceries and shelf-stable food products; and may also sell |
| 1.13 | cleaning products, paper goods, and other household products and sundries. A food retailer |
| 1.14 | includes large and midscale establishments such as supermarkets and grocery stores, but |
| 1.15 | may also include small-scale establishments such as corner stores or convenience stores. |
| 1.16 | Sec. 2. Minnesota Statutes 2016, section 340A.405, subdivision 1, is amended to read: |
| 1.17 | Subdivision 1. Cities. (a) A city other than a city of the first class may issue with the |
| 1.18 | approval of the commissioner, an off-sale intoxicating liquor license to an exclusive liquor |
| 1.19 | store, a food retailer, or to a drugstore to which an off-sale license had been issued on or |
| 1.20 | prior to May 1, 1994. |
| 1.21 | (b) A city of the first class may issue an off-sale license to an exclusive liquor store, <u>a</u> |

food retailer, a general food store to which an off-sale license had been issued on August

Sec. 2.

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| 2.1 | 1, 1989, or a drugstore to which an off-sale license had been issued on or prior to May 1, |
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| 2.2 | 1994. |
| 2.3 | (c) With the approval of the commissioner, a city owning and operating a municipal |
| 2.4 | liquor store under section 340A.601 may issue an off-sale intoxicating liquor license to a |
| 2.5 | food retailer. |
| 2.6 | Sec. 3. Minnesota Statutes 2016, section 340A.412, subdivision 3, is amended to read: |
| 2.7 | Subd. 3. Limitations on issuance of licenses to one person or place. (a) A municipality |
| 2.8 | may not issue more than one off-sale intoxicating liquor license to any one person or for |
| 2.9 | any one place. |
| 2.10 | (b) A municipality may not allow the same business name to be used by more than one |
| 2.11 | of its off-sale intoxicating liquor licensees. |
| 2.12 | (c) For purposes of this subdivision, "person" means: |
| 2.13 | (1) a holder of an off-sale intoxicating liquor license; |
| 2.14 | (2) an officer, director, agent, or employee of a holder of an off-sale intoxicating liquor |
| 2.15 | license; or |
| 2.16 | (3) an affiliate of a holder of an off-sale intoxicating liquor license, regardless of whether |
| 2.17 | the affiliation is corporate or by management, direction, or control. |
| 2.18 | (d) This subdivision does not apply to an off-sale license issued to a food retailer under |
| 2.19 | section 340A.405. |
| 2.20 | Sec. 4. Minnesota Statutes 2016, section 340A.412, is amended by adding a subdivision |
| 2.21 | to read: |
| 2.22 | Subd. 15. Food retailers. An off-sale intoxicating liquor license issued to a food retailer |
| 2.23 | under section 340A.405 authorizes the food retailer to sell malt liquor, wine, and |
| 2.24 | Minnesota-distilled spirits meeting the requirements of section 340A.22 or 340A.315. |
| 2.25 | Sec. 5. Minnesota Statutes 2016, section 340A.413, subdivision 5, is amended to read: |
| 2.26 | Subd. 5. Off-sale licenses. (a) No off-sale intoxicating liquor license may be issued in |
| 2.27 | any city, except as provided in this section, in excess of the following limits: |
| 2.28 | (1) in cities of the first class, not more than one off-sale license for each 5,000 population; |

(2) in all other cities the limit shall be determined by the governing body of the city.

Sec. 5. 2

and

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| 3.1 | (b) This subdivision does not apply to an off-sale license issued to a food retailer under |
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| 3.2 | section 340A.405. |
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| 3.3 | Sec. 6. Minnesota Statutes 2016, section 340A.503, subdivision 4, is amended to read: |
| 3.4 | Subd. 4. Entering licensed premises. (a) It is unlawful for a person under the age of |
| 3.5 | 21 years to enter an establishment licensed for the sale of alcoholic beverages or any |
| 3.6 | municipal liquor store for the purpose of purchasing or having served or delivered any |
| 3.7 | alcoholic beverage. |
| 3.8 | (b) Notwithstanding section 340A.509, no ordinance enacted by a statutory or home |
| 3.9 | rule charter city may prohibit a person 18, 19, or 20 years old from entering an establishment |
| 3.10 | licensed under this chapter to: |
| 3.11 | (1) perform work for the establishment, including the serving of alcoholic beverages, |
| 3.12 | unless otherwise prohibited by section 340A.412, subdivision 10; |
| 3.12 | unless otherwise promotted by section 340A.412, subdivision 10, |
| 3.13 | (2) consume meals; and |
| 3.14 | (3) attend social functions that are held in a portion of the establishment where liquor |
| 3.15 | is not sold. |
| 3.16 | (c) Notwithstanding section 340A.509, a local authority may not enact an ordinance that |
| 3.17 | prohibits a person under the age of 21 years from entering a food retailer licensed for off-sale |
| 3.18 | under section 340A.405. |
| 5.10 | with the control of t |
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3.19 Sec. 7. **EFFECTIVE DATE.**

3.20 Sections 1 to 6 are effective

Sec. 7. 3