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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **4640**

1.1 A bill for an act
1.2 relating to liquor; allowing temporary and special off-sale during and beyond the
1.3 COVID-19 peacetime emergency; amending Laws 2020, chapter 75, section 1.

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

1.5 Section 1. Laws 2020, chapter 75, section 1, is amended to read:

1.6 Section 1. **LIMITED OFF-SALE FOR RESTAURANTS CLOSED BY EXECUTIVE**
1.7 **ORDER.**

1.8 (a) A qualifying licensee may offer off-sales of malt liquor, hard seltzer, cider, and wine
1.9 with a prepared food take-out order, without obtaining an additional license, subject to the
1.10 following limitations:

1.11 (1) any sale of malt liquor, hard seltzer, cider, and wine is made in conjunction with and
1.12 is incidental to the sale of prepared food for take-out;

1.13 (2) the alcoholic beverages are sold in their original, unopened packaging;

1.14 (3) no more than 72 ounces in total of malt liquor, hard seltzer, and cider; and 750
1.15 milliliters of wine may be sold per prepared food take-out order;

1.16 (4) the qualifying licensee must confirm that the person picking up the prepared food
1.17 take-out order is at least 21 years of age as provided by Minnesota Statutes, section 340A.503,
1.18 subdivision 6; and

1.19 (5) the qualifying licensee must notify the insurer providing the coverage required by
1.20 Minnesota Statutes, section 340A.409, that it is making off-sales under this section.

2.1 (b) All laws and rules relating to the off-sale of liquor under Minnesota Statutes, chapter
 2.2 340A, not inconsistent with this section apply to the sales allowed by this section including
 2.3 but not limited to Minnesota Statutes, sections 340A.502 to 340A.504. No delivery of
 2.4 alcoholic beverages is authorized by this section.

2.5 (c) The governing body of a municipality may elect to prohibit the off-sale of alcoholic
 2.6 beverages authorized by this section.

2.7 (d) For purposes of this section, "qualifying licensee" means a restaurant holding an
 2.8 on-sale intoxicating liquor license issued under Minnesota Statutes, section 340A.404,
 2.9 subdivision 1, paragraph (a), clause (2), or subdivision 6, paragraph (a), or a restaurant
 2.10 holding an on-sale wine license issued under Minnesota Statutes, section 340A.404,
 2.11 subdivision 5. Nothing in this section affects or modifies the ability of a licensed brewer to
 2.12 make off-sales of alcoholic beverages under law.

2.13 (e) The authority to make off-sales of malt liquor, hard seltzer, cider, and wine under
 2.14 this section expires ~~when~~ 60 days after the closure of restaurants as set forth in Executive
 2.15 Order 20-04, as modified and extended by Executive Orders 20-18 and 20-33, or any
 2.16 subsequent order, expires, or is terminated or rescinded.

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

2.18 **Sec. 2. TAPROOM TEMPORARY SALES.**

2.19 (a) In addition to existing sales allowed by law, a taproom licensed under Minnesota
 2.20 Statutes, section 340A.26, is allowed to sell additional off-sale product brewed on premises.
 2.21 Temporary sales allowed under this section are limited to four 16-ounce or six 12-ounce
 2.22 containers per customer. All off-sale requirements not inconsistent with this section apply
 2.23 to the additional sales authorized.

2.24 (b) The authority to make sales under this section expires 60 days after the final day of
 2.25 the peacetime emergency declared under Minnesota Statutes, section 12.31, subdivision 2.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 2.27 sunsets upon expiration of the authority under paragraph (b).

2.28 **Sec. 3. MICRODISTILLERY TEMPORARY SALES.**

2.29 (a) In addition to existing sales allowed by law, a microdistillery licensed under Minnesota
 2.30 Statutes, section 340A.22, may sell up to 750 milliliters per person per day, in one
 2.31 750-milliliter vessel or two 375-milliliter vessels, of product manufactured on site. All

3.1 off-sale requirements not inconsistent with this section apply to the additional sales
3.2 authorized.

3.3 (b) The authority to make sales under this section expires 60 days after the final day of
3.4 the peacetime emergency declared under Minnesota Statutes, section 12.31, subdivision 2.

3.5 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.6 sunset upon expiration of the authority under paragraph (b).