

1.1 A bill for an act

1.2 relating to liquor; repealing certain restrictions relating to direct wine shipments;
1.3 amending Minnesota Statutes 2008, section 340A.417.

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

1.5 Section 1. Minnesota Statutes 2008, 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,
1.8 a winery licensed in a state other than Minnesota, or a winery located in Minnesota, may
1.9 ship, 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
1.13 marked "Alcoholic Beverages: adult signature (over 21 years of age) required."

1.14 ~~(c) No person may (1) advertise shipments authorized under this section, (2) by~~
1.15 ~~advertisement or otherwise, solicit shipments authorized by this section, or (3) accept~~
1.16 ~~orders for shipments authorized by this section by use of the Internet. No shipper located~~
1.17 ~~outside Minnesota may advertise interstate reciprocal wine shipments in Minnesota.~~

1.18 ~~(d)~~ It is not the intent of this section to impair the distribution of wine through
1.19 distributors or importing distributors, but only to permit shipments of wine for personal
1.20 use.

1.21 ~~(e)~~ (d) No criminal penalty may be imposed on a person for a violation of this
1.22 section other than a violation described in paragraph ~~(f)~~ (e) or ~~(g)~~ (f). Whenever it appears
1.23 to the commissioner that any person has engaged in any act or practice constituting a
1.24 violation of this section, and the violation is not within two years of any previous violation

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

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

2.18 ~~(g)~~ (f) Any person who commits a third or subsequent violation of this section;
2.19 ~~including a violation for which a cease and desist order was issued under paragraph (e),~~
2.20 within any subsequent two-year period is guilty of a gross misdemeanor.

2.21 Sec. 2. **EFFECTIVE DATE.**

2.22 Section 1 is effective the day following final enactment.