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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3637**

March 11, 2010

Authored by Anderson, B.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; prohibiting persons from allowing underage drinking
1.3 under certain circumstances; providing criminal penalties; amending Minnesota
1.4 Statutes 2008, sections 340A.503, subdivision 2; 340A.701, subdivision 1;
1.5 340A.702.

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

1.7 Section 1. Minnesota Statutes 2008, section 340A.503, subdivision 2, is amended to
1.8 read:

1.9 Subd. 2. **Purchasing, providing, permitting.** It is unlawful for any person:

1.10 (1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of
1.11 age;

1.12 (2) under the age of 21 years to purchase or attempt to purchase any alcoholic
1.13 beverage unless under the supervision of a responsible person over the age of 21 for
1.14 training, education, or research purposes. Prior notification of the licensing authority
1.15 is required unless the supervised alcohol purchase attempt is for professional research
1.16 conducted by postsecondary educational institutions or state, county, or local health
1.17 departments; ~~or~~

1.18 (3) to induce a person under the age of 21 years to purchase or procure any alcoholic
1.19 beverage, or to lend or knowingly permit the use of the person's driver's license, permit,
1.20 Minnesota identification card, or other form of identification by a person under the age of
1.21 21 years for the purpose of purchasing or attempting to purchase an alcoholic beverage; or

1.22 (4) to knowingly permit the possession or consumption of an alcoholic beverage by
1.23 someone under the age of 21 on premises the person controls, or has leased, contracted, or
1.24 arranged for.

2.1 If proven by a preponderance of the evidence, it shall be an affirmative defense to
2.2 a violation of clause (1) that the defendant is the parent or guardian of the person under
2.3 21 years of age and that the defendant gave or furnished the alcoholic beverage to that
2.4 person solely for consumption in the defendant's household.

2.5 If proven by a preponderance of the evidence, it shall be an affirmative defense to a
2.6 violation of clause (4) that the defendant is the parent or guardian of the person under 21
2.7 years of age and that the defendant permitted the possession or consumption of alcohol in
2.8 the defendant's household.

2.9 The prohibition on permitting possession in clause (4) does not apply if the person
2.10 under the age of 21 is lawfully possessing the alcoholic beverage during the course and
2.11 scope of employment.

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes
2.13 committed on or after that date.

2.14 Sec. 2. Minnesota Statutes 2008, section 340A.701, subdivision 1, is amended to read:

2.15 Subdivision 1. **Unlawful acts.** It is a felony:

2.16 (1) to manufacture alcoholic beverages in violation of this chapter;

2.17 (2) to transport or import alcoholic beverages into the state in violation of this
2.18 chapter for purposes of resale; ~~or~~

2.19 (3) to sell or give away for beverage purposes poisonous alcohol, methyl alcohol,
2.20 denatured alcohol, denaturing material, or any other alcoholic substance capable of
2.21 causing serious physical or mental injuries to a person consuming it; ~~or~~

2.22 (4) for a person other than a licensed retailer of alcoholic beverages, a bottle club
2.23 permit holder, a municipal liquor store, or an employee or agent of any of these who is
2.24 acting within the scope of employment, to violate the provisions of section 340A.503,
2.25 subdivision 2, clause (1), by selling, bartering, furnishing, or giving alcoholic beverages to
2.26 a person under 21 years of age if that person becomes intoxicated and causes or suffers
2.27 death or great bodily harm as a result of the intoxication; or

2.28 (5) to violate the provisions of section 340A.503, subdivision 2, clause (4), if the
2.29 person under 21 years of age becomes intoxicated and causes or suffers death or great
2.30 bodily harm as a result of the intoxication.

2.31 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes
2.32 committed on or after that date.

3.1 Sec. 3. Minnesota Statutes 2008, section 340A.702, is amended to read:

3.2 **340A.702 GROSS MISDEMEANORS.**

3.3 It is a gross misdemeanor:

3.4 (1) to sell an alcoholic beverage without a license authorizing the sale;

3.5 (2) for a licensee to refuse or neglect to obey a lawful direction or order of the
3.6 commissioner or the commissioner's agent, withhold information or a document the
3.7 commissioner calls for examination, obstruct or mislead the commissioner in the execution
3.8 of the commissioner's duties or swear falsely under oath;

3.9 (3) to violate the provisions of sections 340A.301 to 340A.312;

3.10 (4) to violate the provisions of section 340A.508;

3.11 (5) for any person, partnership, or corporation to knowingly have or possess direct
3.12 or indirect interest in more than one off-sale intoxicating liquor license in a municipality
3.13 in violation of section 340A.412, subdivision 3;

3.14 (6) to sell or otherwise dispose of intoxicating liquor within 1,000 feet of a state
3.15 hospital, training school, reformatory, prison, or other institution under the supervision and
3.16 control, in whole or in part, of the commissioner of human services or the commissioner
3.17 of corrections;

3.18 (7) to violate the provisions of section 340A.502;

3.19 (8) except as otherwise provided in section 340A.701, to violate the provisions of
3.20 section 340A.503, subdivision 2, clause (1) or (3);

3.21 (9) to withhold any information, book, paper, or other thing called for by the
3.22 commissioner for the purpose of an examination;

3.23 (10) to obstruct or mislead the commissioner in the execution of the commissioner's
3.24 duties;

3.25 (11) to swear falsely concerning any matter stated under oath; ~~or~~

3.26 (12) to violate the provisions of section 340A.503, subdivision 5, after having been
3.27 convicted previously of violating section 340A.503, subdivision 5; or

3.28 (13) to violate the provisions of section 340A.503, subdivision 2, clause (4), after
3.29 having been convicted previously of violating that provision.

3.30 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes
3.31 committed on or after that date.