

Brewery Legal Issues and Legislative Discussion

Jeff O'Brien



LOMMEN ABDO

L A W F I R M

The goal:

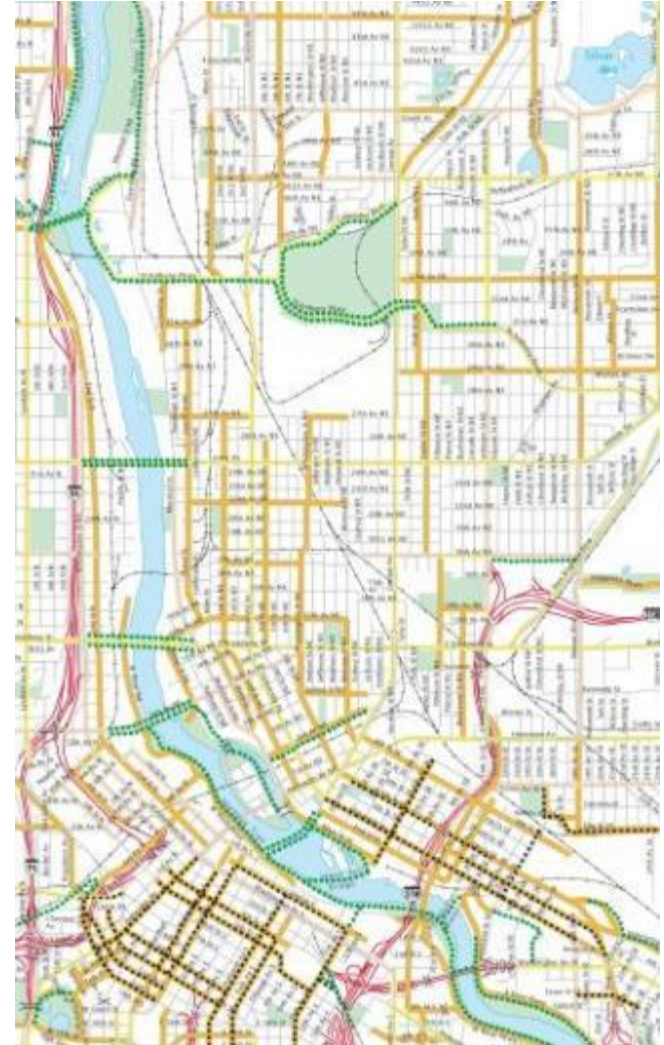


The basics:

Entity formation



Real estate



Financing



The basics, part 2:

Trademarks



State and local licensing issues

suspension, or revocation during the license period.

Subd. 6c. Microdistilleries. (a) A microdistillery may provide samples of distilled spirits manufactured on its premises, in an amount not to exceed 15 milliliters per variety per person. No more than 45 milliliters may be sampled under paragraph (a) by any person on any one day.

(b) The commissioner shall establish a fee for microdistilleries that adequately covers the cost of issuing the license and the inspection requirements. The fee shall be deposited in an account in the special revenue fund and are appropriated to the commissioner for the purpose of this subdivision.

6d. Small brewer license. (a) A brewer licensed under subdivision 6c, clause (c), (i), or (j), may be issued a license by a municipality that allows the sale of malt liquor at its licensed premises that has been produced and packaged by the brewer. The municipality must be approved by the commissioner. The amount of malt liquor sold at off-sale must be limited to 100 milliliters per container. Off-sale of malt liquor shall be limited to 100 milliliters for off-sale at each location in the jurisdiction in which the brewer is located, and the off-sale must be limited to the premises before the applicable closing time of the stores. The municipality may require that the containers comply with the following requirements: (1) a 100 milliliter bottle or other container; (2) a twist-type closure; (3) a cork, cap, or plug; or (4) a twist-type closure. At the time of the sale, a paper or other material shall be applied to the container or bottle to prevent tampering. The material shall be extended over the top of the twist-type closure or plug forming the opening of the container or bottle. The material shall be applied to the container or bottle in a way that the opening of the container or bottle. The address of the brewer. The containers or bottles shall be labeled with the name and address of the brewer. The name and address of the brewer selling the malt liquor shall be considered as the name and address of the malt liquor, bear the name and address of the brewer selling the malt liquor shall be considered as the name and address of the malt liquor unless the alcohol content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100.

(b) A municipality may not issue a license under this subdivision to a brewer if the brewer seeking the license is a brewer that has an economic interest in the brewer, is a brewer that is exercising control over the brewer, or is a brewer that is a brewer that brews more than 250,000 gallons of its own brands of malt liquor annually.

(d) The municipality shall impose a licensing fee on a brewer under this subdivision, subject to limitations applicable to license fees under section 340.03, paragraph (a).

Subd. 7. Interest in other business. (a) Except as provided in this section, a holder of a license as a manufacturer, brewer, importer, or wholesaler may not have any direct or indirect interest, in whole or in part, in a business holding a retail intoxicating liquor or 3.2 percent malt liquor license. The commissioner may not issue a license under this section to a manufacturer, brewer, importer, or wholesaler if a retailer of intoxicating liquor has a direct or indirect interest in the manufacturer, brewer, importer, or wholesaler. A manufacturer or



Legislative changes and their effect on industry growth





LOMMEN ABDO

L A W F I R M

For more information:

jobrien@lommen.com

612.336.9317

<http://site.jeffreyobrienesq.com/Beer.html>