



# Minnesota

## State Profile and Underage Drinking Facts

**State Population: 5,303,925**  
**Population Ages 12–20: 641,000**

	<b>Percentage</b>	<b>Number</b>
<b>Ages 12–20</b>		
Past-Month Alcohol Use	27.3	175,000
Past-Month Binge Alcohol Use	19.9	128,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	4.7	9,000
Past-Month Binge Alcohol Use	1.9	4,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	22.2	49,000
Past-Month Binge Alcohol Use	13.1	29,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	53.1	117,000
Past-Month Binge Alcohol Use	43.4	95,000
		<b>Number</b>
<b>Alcohol-Attributable Deaths (under 21)</b>		63
<b>Years of Potential Life Lost (under 21)</b>		3,762

	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	16.0	11

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited with the following exception(s):

- Parent/guardian’s home

### **Underage Consumption of Alcohol**

Consumption is prohibited with the following exception(s):

- Parent/guardian’s home AND
- Parent/guardian

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

*Note:* Although Minnesota does not prohibit internal possession, it has a statutory provision that makes it unlawful “[f]or any person under the age of 21 years to consume any alcoholic beverages” and further defines “consume” to “ [include] the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage” (Minn. Stat. § 340A.503). Laws that prohibit minors from having alcohol in their bodies, but which do so without reference to a blood, breath, or urine test, are not considered as prohibiting internal possession, for purposes of this report.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

### **False Identification for Obtaining Alcohol**

#### ***Provision(s) Targeting Minors***

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

#### ***Provision(s) Targeting Suppliers***

- It is a criminal offense to lend, transfer, or sell a false ID.

#### ***Provisions Targeting Retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Retailers are permitted to seize apparently false IDs
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

## **Laws Targeting Underage Drinking and Driving**

### **BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)**

- BAC limit: 0.00
- Any detectable alcohol in the blood is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

### **Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)**

No use/lose law

### **Graduated Driver’s License**

#### ***Learner Stage***

- Minimum entry age: 15
- Minimum learner-stage period: 6 months
- Minimum supervised driving requirement: 30 hours—10 of which must be at night

#### ***Intermediate Stage***

- Minimum age: 16
- Unsupervised night driving
  - Prohibited after: 12 a.m.
  - Primary enforcement of the night-driving rule
- Passenger restrictions exist: For first 6 months, no more than one unrelated passenger under 20. For second 6 months, no more than three unrelated passengers under 20.
  - Primary enforcement of the passenger-restriction rule

#### ***License Stage***

- Minimum age to lift restrictions: 17—passenger restrictions expire 12 months after obtaining intermediate license; unsupervised night-driving restrictions expire 6 months after issuance of intermediate license.

## **Laws Targeting Alcohol Suppliers**

### **Furnishing Alcohol to Minors**

Furnishing is prohibited with the following exception(s):

- Parent/guardian’s home AND
- Parent/guardian

### **Compliance Check Protocols**

No data

### **Penalty Guidelines for Sales to Minors**

Time period/conditions: No guidelines provided

### **Responsible Beverage Service**

No beverage service training requirement

**Minimum Ages for Off-Premises Sellers**

- Beer: 18
- Wine: 18
- Spirits: 18

**Minimum Ages for On-Premises Sellers**

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

*Note:* Minors who have reached age 16 may be employed to provide waiter or waitress service in rooms or areas where the presence of 4 percent ABV “malt liquor” is incidental to food service or preparation. Minnesota defines “4 percent malt liquor” as any beer, ale, or other malt beverage containing not more than 4 percent alcohol by volume.

**Dram Shop Liability**

Statutory liability exists.

*Note:* Minn. Stat. § 340A.801(6) states that nothing in Chapter 340A, Minnesota’s alcohol beverage control law, “precludes common law tort claims against any person 21 years old or older who knowingly provides or furnishes alcoholic beverages to a person under the age of 21 years.” The age limitation applied to the furnisher and the “knowingly” evidentiary requirement result in a “no” coding for dram shop common law liability.

**Social Host Liability Laws**

Statutory liability exists subject to the following conditions:

- Limitations on who may be sued: Social host must be 21 years of age or older.
- Limitations on elements/standards of proof: Knowingly or recklessly furnishing alcohol to a minor or permitting consumption by a minor.

*Note:* Minn. Stat. § 340A.801(6) states that nothing in Chapter 340A, Minnesota’s alcohol beverage control law, “precludes common law tort claims against any person 21 years old or older who knowingly provides or furnishes alcoholic beverages to a person under the age of 21 years.” The age limitation applied to the furnisher and the “knowingly” evidentiary requirement result in a “no” coding for social host common law liability.

**Host Party Laws**

No State-imposed liability for hosting underage drinking parties

**Direct Sales/Shipments of Alcohol by Producers**

Direct sales/shipments from producers to consumers are permitted for wine with the following restrictions:

***Age Verification Requirements:*** None

***State Approval/Permit Requirements:*** None

***Reporting Requirements:*** None

### ***Shipping Label Statement Requirements***

- Contains alcohol
- Recipient must be 21

### **Keg Registration**

- Keg definition: Not less than 7 gallons
- Prohibited: Destroying the label on a keg—maximum fine/jail: \$1,000/90 days
- Purchaser information collected: Verified by a government-issued ID
- Warning information to purchaser: Passive—no purchaser action required
- Deposit: Not required
- Provisions do not specifically address disposable kegs.

## **Alcohol Pricing Policies**

### **Home Delivery**

- Beer: Permitted
- Wine: Permitted
- Spirits: Permitted

### **Alcohol Tax**

#### ***Beer (5 percent alcohol)***

- Specific excise tax: \$0.15 per gallon
- Ad valorem excise tax (on-premises sales): 2.5 percent
- Ad valorem excise tax (off-premises sales): 2.5 percent

\$0.08 per gallon for beverages containing an alcohol content of 4 percent or less. With respect to malt liquor containing 4 percent alcohol or less, the 2.5 percent retail tax is applied only when sold at an on-sale or off-sale municipal liquor store or other establishment licensed to sell any type of intoxicating liquor.

#### ***Wine (12 percent alcohol)***

- Specific excise tax: \$0.30 per gallon
- Ad valorem excise tax (on-premises sales): 2.5 percent
- Ad valorem excise tax (off-premises sales): 2.5 percent
- Ad valorem tax applied at retail level

#### ***Spirits (40 percent alcohol)***

- Specific excise tax: \$5.03 per gallon
- Ad valorem excise tax (on-premises sales): 2.50 percent
- Ad valorem excise tax (off-premises sales): 2.50 percent
- Ad valorem tax applied at retail level.

### **Drink Specials**

- Free beverages: Prohibited
- Multiple servings at one time: Not prohibited
- Multiple servings for same price as single serving: Not prohibited
- Reduced price at specified day or time: Not prohibited

- Unlimited beverages: Not prohibited
- Increased volume: Not prohibited

### **Wholesale Pricing**

Pricing restrictions exist.

#### ***Beer (5 percent alcohol)***

- Retailer credit: Not permitted

#### ***Wine (12 percent alcohol)***

- Volume discounts: Restricted—a variable volume price may not be for a quantity of more than 25 cases.
- Retailer credit: Restricted—30 days maximum.

#### ***Spirits (40 percent alcohol)***

- Volume discounts: Restricted—A variable volume price may not be for a quantity of more than 25 cases.
- Retailer credit: Restricted—30 days maximum.

## Minnesota State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Minnesota Department of Public Safety (DPS)	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> No data	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i> Yes	
Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	MN DPS Alcohol & Gambling Enforcement
Such laws are also enforced by local law enforcement agencies	Unknown
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i> No	
Number of minors found in possession <sup>1</sup> by State law enforcement agencies	Data not collected
Number pertains to the 12 months ending	Data not collected
Data include arrests/citations issued by local law enforcement agencies	Data not collected
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i> No	
Data are collected on these activities	Not applicable
Number of licensees checked for compliance by State agencies	Not applicable
Number of licensees that failed State compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i> Yes	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	1,049
Number of licensees that failed local compliance checks	108
Numbers pertain to the 12 months ending	06/30/2010
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i> No	
Number of fines imposed by the State <sup>3</sup>	Data not collected
Total amount in fines across all licensees	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i> No	
Number of suspensions imposed by the State <sup>4</sup>	Data not collected
Total days of suspensions across all licensees	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i> No	
Number of license revocations imposed <sup>5</sup>	Data not collected
Numbers pertain to the 12 months ending	Data not collected

**Additional Clarification**

The total number of compliance checks conducted by local enforcement accounts for agencies that participated in a Federal grant program with which MN DPS Alcohol & Gambling Enforcement works. The information does not reflect totals from agencies that conduct such checks but did not participate in the grant program. Our agency responds to complaints of illegal, unlicensed alcoholic beverage sales by entities outside of Minnesota via the Internet who are not properly licensed or allowed by statute to conduct such sales. The activity is not specifically set up to target underage enforcement.

<sup>1</sup> Or having consumed or purchased per State statutes

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors

<sup>3</sup> Does not include fines imposed by local agencies

<sup>4</sup> Does not include suspensions imposed by local agencies

<sup>5</sup> Does not include revocations imposed by local agencies

**Underage Drinking Prevention Programs Operated or Funded by the State:  
Programs SPECIFIC TO Underage Drinking**

***Office of Juvenile Justice and Delinquency Program (OJJDP) Enforcing Underage Drinking Laws (EUDL) Block Grant***

Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	No data

Program description: Supports and enhances the efforts of State and local jurisdictions to prohibit the sale of alcoholic beverages to minors and the purchase and consumption of alcoholic beverages by minors.

**Underage Drinking Prevention Programs Operated or Funded by the State:  
Programs RELATED TO Underage Drinking**

***MN Institute of Public Health***

URL for more program information: No data

Program description: Provides minigrants to local law enforcement agencies for alcohol compliance checks

**Additional Information Related to Underage Drinking Prevention Programs**

<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	No
Program description	Not applicable
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description	Not applicable
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	No
Best practice standards description	Not applicable

**Additional Clarification**

Question C.3: Such standards have not been specifically developed by MN DPS Alcohol & Gambling Enforcement. There are entities in Minnesota working in this area, but coordination and communication efforts between interested parties are still in an early stage of development and it is thus problematic to obtain readily available information to address these questions.

<b>State Interagency Collaboration</b>	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Unknown
<i>Committee contact information</i>	No data
<i>Agencies/organizations represented on the committee</i>	No data
<i>A Web site or other public source exists to describe committee activities</i>	No data
<i>URL or other means of access</i>	No data

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
Prepared by	Not applicable
Plan can be accessed via	Not applicable
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by	Not applicable
Report can be accessed via	Not applicable
<b>Additional Clarification</b>	
No data	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
Programs or strategies included:	No data
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data

<b>Funds Dedicated to Underage Drinking</b>	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	No data
<i>Description of funding streams and how they are used:</i> No data	

**Additional Clarification**

There are programs such as those described in this document in Minnesota, but there is no one agency coordinating their efforts. Therefore, data may be kept by individuals participating but there is no mechanism in place to pull it all together.