

State Report

Minnesota

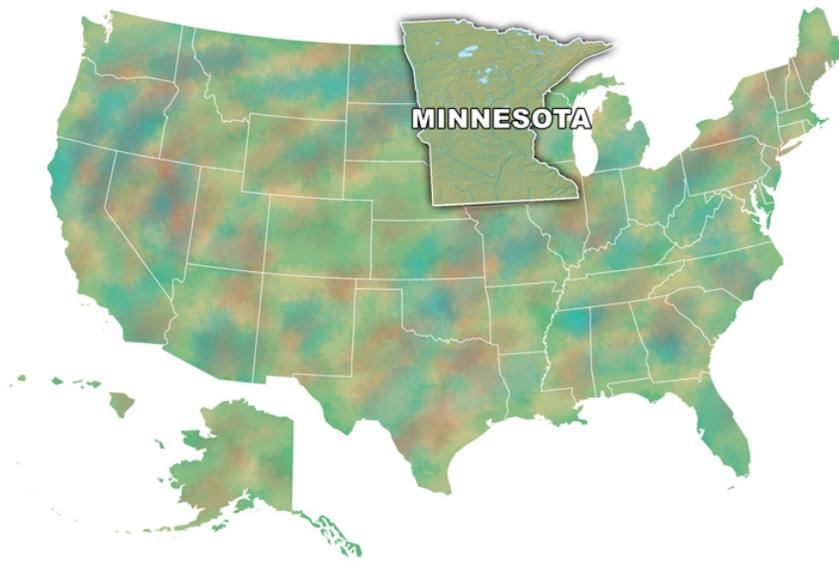
This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



Minnesota

State Profile and Underage Drinking Facts*

State Population: 5,344,861
Population Ages 12–20: 641,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	25.6	164,000
Past-Month Binge Alcohol Use	17.9	115,000
Ages 12–14		
Past-Month Alcohol Use	4.2	8,000
Past-Month Binge Alcohol Use	1.2	2,000
Ages 15–17		
Past-Month Alcohol Use	20.6	45,000
Past-Month Binge Alcohol Use	12.2	27,000
Ages 18–20		
Past-Month Alcohol Use	49.9	111,000
Past-Month Binge Alcohol Use	38.7	86,000
Alcohol-Attributable Deaths (under 21)		63
Years of Potential Life Lost (under 21)		3,793
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	18.0	13

* See Appendix C for data sources.

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 alcohol by volume (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.

Distance Limitations for New Alcohol Outlets Near Universities and Schools

Colleges and Universities

No distance limitation

Primary and Secondary Schools

Prohibitions against outlet siting:

- Off-premises outlets: Yes—within 1,500 feet, if not within a city
- On-premises outlets: Yes—within 1,500 feet, if not within a city
- Alcohol products: Beer, wine, spirits—excludes beverages with 3.2 percent of alcohol by weight or less

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

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

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

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Minnesota Department of Public Safety	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> Minnesota state patrol and Bureau of Criminal Apprehension (BCA) collaborate with local agencies on an as-needed basis. Primarily, this will occur to investigate underage drinking–related fatalities and other serious cases.	
Enforcement Strategies	
<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	No
<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>	Unknown
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	No data
Such laws are also enforced by local law enforcement agencies	Unknown
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession ¹ 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 operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Number of licensees checked for compliance by state agencies	Data not collected
Number of licensees that failed state compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ³	Data not collected
Total amount in fines across all licensees	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Number of suspensions imposed by the state ⁴	Unknown
Total days of suspensions across all licensees	No data
Numbers pertain to the 12 months ending	No data

<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Unknown
Number of license revocations imposed ⁵	No data
Numbers pertain to the 12 months ending	No data

Additional Clarification

While many local law enforcement agencies may conduct alcohol compliance checks, only data on those conducted by law enforcement agencies with Enforcing Underage Drinking Laws (EUDL) funding for this activity are available. Data available for EUDL-funded local alcohol compliance checks with 47 local law enforcement agencies show a 92.9 percent compliance rate. These data present a partial picture of the statewide compliance rate, of which data are not collected. Roadway checkpoints to detect impaired drivers are not constitutionally allowed in Minnesota. Roadway saturation patrols are conducted following the National Highway Traffic Safety Administration (NHTSA) enhanced enforcement mobilization schedule. The enforcement effort identifies younger males as a high-risk population, but does not specify drivers under age 21 as a primary concern of focus.

Civil or criminal action taken against liquor retailers may be documented at a local level, or possibly through the State Department of Public Safety, Alcohol & Gambling Enforcement Division.

¹ Or having consumed or purchased per state statutes.

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

³ Does not include fines imposed by local agencies.

⁴ Does not include suspensions imposed by local agencies.

⁵ 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 Programs (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:	Not applicable

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>	Yes
Description of collaboration: Native American Prevention Programming	

<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>	Yes
Best practice standards description: Utilizing Drug Free Communities coalition approach and implementing the Strategic Prevention Framework	
Additional Clarification	
Such standards for license revocations have not been specifically developed by the Minnesota Department of Public Safety (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.	

State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i> No data	
<i>Agencies/organizations represented on the committee:</i> State agencies; Department of Human Services, Department of Health, Department of Education, Department of Public Safety, and other sectors per Strategic Prevention Framework State Incentive Grant (SPF SIG) guidelines.	
<i>A website or other public source exists to describe committee activities</i>	No data
URL or other means of access: No data	

Underage Drinking Reports	
<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	
Plan can be accessed via: Not applicable	
Additional Clarification	
Clarification on the State Interagency Collaboration question above: Minnesota Department of Human Services - Minnesota is a cohort IV SPF SIG state and as such has established a required SPF SIG Advisory Council consisting of the sectors required by the SPF. In addition, Minnesota has received a State Prevention Enhancement (SPE) grant through which it created a consortium, a subcommittee of the SPF SIG Advisory Council.	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$1,076,714
Estimate based on the 12 months ending	06/30/2011

<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$1,076,714
Estimate based on the 12 months ending	06/30/2011
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included: American Indian Prevention programming	
Estimate of state funds expended	\$1,512,138
Estimate based on the 12 months ending	06/30/2011

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue streams:

Taxes	No
Fines	No
Fees	No
Other	No data

Description of funding streams and how they are used:

No data

Additional Clarification

None given