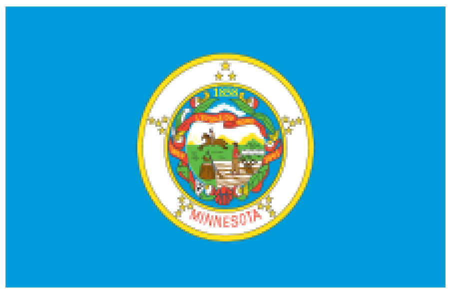
# Minnesota

**Updated:** 5/2014

**Status:** Permitted

## Statute



Minnesota statute Chapter 340A, §340A.301, Subdivision. 9 permits the unlicensed manufacture of beer in the home for family use. Minnesota statute Chapter 297G, §297G.07 permits Fruit juices naturally fermented or beer naturally brewed in the home for family use and not for sale to be free from state excise tax.

## Discussion

This statute enables the production of beer free from state excise tax without license or permit. It contains language similar to the federal law allowing for use at organized affairs, exhibitions or competitions. §340A.101 Subdivision 16 defines Malt Liquor as any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

## Special Provisions

N/A

## State Alcohol Beverage Control Agency

Department of Public Safety
Liquor Control Division
445 Minnesota Street
St. Paul MN 55101-5155
Phone: 651.215.1328

## Applicable Statutory Material

340A.101. Definitions

Subdivision 1. Terms. For purposes of this chapter the following terms have the meanings given them.

Subdivision 2. Alcoholic beverage. "Alcoholic beverage" is any beverage containing more than one-half of one percent alcohol by volume.

Subdivision 12a. Home Brewing Equipment. "Home Brewing Equipment" means portable equipment designed for use in home manufacturing of malt liquor in quantities of ten gallons or less and supplies and ingredients for home manufacture of malt liquor.

Subdivision 16. Malt liquor. "Malt liquor" is any BEER, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

Subdivision 29. Wine. "Wine" is the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in subdivision 9.

340A.301. Manufacturers and wholesalers licenses

Subdivision 1. Licenses required. No person may directly or indirectly manufacture or sell at wholesale intoxicating liquor, or 3.2 percent malt liquor without obtaining an appropriate license from the commissioner, except where otherwise provided in this chapter.

Subdivision 9. Unlicensed manufacture. (a) Nothing in this chapter requires a license for the natural fermentation of fruit juices or brewing of beer in the home for family use.

(b) Naturally fermented fruit juices or beer made under this subdivision may be removed from the premises where made for use at organized affairs, exhibitions, or competitions, including, but not limited to, homemaker's contests, tastings, or judging.

(c) For purposes of this subdivision, "tastings" means an event where the general public may sample unlicensed naturally fermented fruit juices or beer.

(d) Beverages produced pursuant to this subdivision may be sampled or used in tastings provided that the beverage is made and transported in containers and equipment that shall not allow the migration of toxic substances.

(e) Public notice meeting the requirements of this paragraph must be given in writing or signage at any tasting. The notice shall include disclosure that the unlicensed naturally fermented fruit juices or beer being offered is homemade and not subject to state inspection, and may be consumed by persons over the age of 21 at their own risk. The notice must include the name and address of the person who processed and bottled the beverage.

(f) Naturally fermented fruit juices or beer removed under this subdivision may not be sold or offered for sale.

297G.07 Exceptions

The following are not subject to the excise tax:

(6) Fruit juices naturally fermented or beer naturally brewed in the home for family use and not sold or offered for sale.

Note: The information presented here is to the best of our knowledge and should not be used as a substitute for legal advice specific to the laws of your state.