

Northland Community and Technical College

1070P Alcoholic Beverage Procedure

Alcoholic beverages may be served on NCTC property only for special occasions and only with the approval of the College President. College property includes, but is not limited to, the East Grand Forks Campus, Thief River Falls Campus, college facilities at the Thief River Falls Airport, and the Swenson House. College-sponsored events held at off-campus sites are also covered in this procedure.

The following conditions must be met for approval to be considered.

1. The request must be in writing to the College President at least 15 business days before the proposed event and must include all the information requested in the *Approval Checklist for Events Involving Alcoholic Beverages or 3.2% Liquor*.
2. The sponsoring organization must have secured appropriate insurance that holds the College harmless from any subsequent dram shop or other action that may occur.
3. The sponsoring organization must either:
 - a) Secure an event permit from their municipality that approves the serving of alcoholic beverages in the facilities*; or
 - b) Secure a catering service that has the appropriate license.

*Organizations planning to secure a municipal permit must apply to the appropriate City office well in advance of the planned event.

Date of Adoption:	Exec. Council 11/3/05
Date of Implementation:	SGC 12/8/05
Date & Subject of Revisions:	10/12/09-Revisions made by MnSCU to checklist regarding insurance limits.



Minnesota State Colleges and Universities
System Procedures
Chapter 5 – Administration
Procedures associated with Board Policy 5.18

**5.18.2 Check List for Events Involving Alcoholic Beverages or 3.2% Malt
Liquor**

Prior to an event involving service of alcoholic beverages or 3.2% malt liquor taking place, presidents approving an event must use this form in order to comply with System Procedure 1A.9 to assure that most potential legal, liability and insurance issues have been addressed. (See the attached instructions for further explanation of each of these items.) A copy of this form must be retained at the campus for a period of three years.

MNSCU INSTITUTION:

NAME/DESCRIPTION OF EVENT: (Include type of alcohol to be served):

DATE AND TIME OF EVENT:

SPONSOR OF EVENT:

LOCATION OF EVENT:

MNSCU INSTITUTION CONTACT PERSON:

Name: _____

Title: _____

Address: _____

Telephone: _____

SPONSOR RESPONSIBLE PERSON:

Name: _____

Title: _____

Address: _____

Telephone: _____

DISPENSING of BEVERAGES: Indicate who will dispense the beverages and how that person/group will be paid. (See instructions under "How Liquor is Dispensed" for assistance.):

INSURANCE PROVIDED:

Name of Insurance Company: _____

Name of Agent/Agency: _____

Coverage Limits: Indicate (and identify) if insurance is held by organization other than State or event sponsor. Note: Minimum requirements are \$500,000 per person/\$1,500,000 per incident coverage per Minn. Stat. 3.736, Subd. 4.:

LICENSE REQUIRED BY MUNICIPALITY?

If so, has it been secured? _____

In whose name is the license issued?

SOURCE OF FUNDING:

APPROVED:

President

Date:

A copy of this checklist must be retained in the President's office for a period of five years. It is not necessary to forward a copy of the checklist to the Office of the Chancellor.

Instructions for Completion of Event Approval Check List

A review of the following information and completion of the approval form is essential prior to approval of an event at which alcoholic beverages or 3.2 malt liquor will be served.

MnSCU INSTITUTION: Indicate on which campus the event will be held.

NAME/DESCRIPTION OF EVENT: Indicate the name of the event (if there is one, e.g. A Founders Club Banquet or University Spring Fling.) Give a brief description of what the event actually is and what its purpose is. Since the law is different for types of beverages being served, the type of beverage should also be indicated. See the glossary of terms below for guidance.

DATE AND TIME OF EVENT: self explanatory.

SPONSOR OF EVENT: Indicate if there is some campus club or group, local community organization, or other group that the actual promoter of the event. This should be the group, organization or individual that is organizing the event.

HOW LIQUOR IS DISPENSED: It is important to identify who will dispense the beverages and how that person/group will be paid. If the event is catered and the college or university only provides the location, then the state host liquor coverage will defend the institution in the event a claim is brought against it.

LOCATION OF EVENT: Indicate where on campus the event is to be held. If this is an off-campus event (albeit sponsored by the institution), also indicate the off-campus location.

MnSCU INSTITUTION CONTACT PERSON: This should be the individual the chancellor or others can go to for specific information about the event. This will be the primary contact person for information at the campus.

SPONSOR RESPONSIBLE PERSON: This should be the primary contact person in the group or organization that is sponsoring the event. This may or may not be a State employee.

INSURANCE PROVIDED: This insurance information is extremely important. At a minimum, insurance up to the statutory limits must be provided. [Per Minn. Stat. 3.736, Subd. 4, the minimum coverage shall be \$500,000 per occurrence/\$1,500,000 general aggregate] The state is not insured for public liability or dram shop (liquor event) liability. This insurance must be purchased by the event sponsor. If the sponsor is a State agency (other than MnSCU), the insurance must be purchased through the Department of Administration Risk Management Division per Minn. Stat. 16B.85. If a MnSCU institution (per Minn. Stat. 15.38, Subd. 3) is the sponsor, the insurance must be purchased either on the local market or by arrangement through the Department of Administration Division Risk Management (Marlys Williams, 651-201-2591, or Carol Morgan, 651-201-2593). The institution must first attempt to have the sponsoring organization purchase the insurance for the institution. If the sponsor already has insurance, then the institution, MnSCU and the state of Minnesota must be added as an insured on the sponsor's policy. (For example, frequently a group such as the local Jaycees or Lions will host the event, and they usually already have this kind of insurance.) If the institution purchases its own insurance coverage, it must do so out of non-state money.

The current state requirements are for general liability coverage in an amount no less than \$500,000 per occurrence/\$1,500,000 per general aggregate. Pursuant to M.S. 3.736, Subd. 4, these are the maximums for which the state can be sued if there is no insurance and for which it, MnSCU, and the institution must be protected.

LICENSE INFORMATION: Most municipalities require a license for events where alcohol or 3.2 percent malt liquor beverages are being sold. There may be other local restrictions on the service of alcohol as well. The institution and/or sponsor must check with the local authorities in order to determine if the contemplated event is one that requires some type of license.

SOURCE OF FUNDING: As noted above, no state money may be used to purchase, serve, or underwrite the sale or service of alcoholic beverages or 3.2 percent malt liquor. This includes state general fund, and grant funds. The Attorney General generally considers student activity funds to be "state money" even though the expenditure of these funds for this purpose does not go through the state treasury. Spending should generally be limited to donated or foundation money. Please call for guidance on specific questions. If there is a cash bar or the beverages are included in the price of the ticket, the school should not become involved in the financial transaction. Contributions by the foundation or a business should be separate transactions and not a part of the liquor event.

The Attorney General has also advised that payment or donations to an event where alcohol service is incidental to or part of a meal is also covered by state law relating to liquor (Chapter 340A).

GLOSSARY OF TERMS

ALCOHOLIC BEVERAGE. An "alcoholic beverage" is any beverage containing more than one-half of one percent alcohol by volume.

DISTILLED SPIRITS. A "distilled spirit" is ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

INTOXICATING LIQUOR. An "intoxicating liquor" is ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

LOW ALCOHOL MALT LIQUOR. A "low alcohol malt liquor" is a fermented malt beverage containing two percent or less of alcohol by weight. Notwithstanding any law or rule to the contrary, if either: (a) the term "low alcohol" appears on the label of the beverage container; or (b) a brewer has provided written certification to the Department of Public Safety establishing an alcoholic content of two percent or less by weight; no further label shall be required on that container.

MALT LIQUOR. A "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.

3.2 PERCENT MALT LIQUOR. (Previously termed Non-Intoxicating Malt Liquor) A "3.2 percent malt liquor" is malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

OFF-SALE. An “off-sale” is the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

ON-SALE. An “on-sale” is the sale of alcoholic beverages for consumption on the licensed premises only.

WINE. A “wine” (formerly called venous spirits) 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 above.

WINE TASTING. “Wine tasting” (M.S. 340A.418) is an event of not more than four hours’ duration at which persons pay a fee or donation to participate, and are allowed to consume wine by the glass without paying a separate charge for each glass.

Date of Implementation: 10/10/96,

Date of Adoption: 10/10/96,

Date and Subject of Revision:

07/01/09 – Insurance limits have been updated as well as the Department of Administration contacts.

08/04/04 – technical change to clause titled “Insurance Provided” – Due to Fred Johnson's retirement from the Department of Administration / Risk Management Division, the contact reference was changed – information verified by Kevin Marsh, MnSCU Director of Financial Planning

10/29/02 - Risk Mgmt increased the insurance requirements

06/21/00 - Contains language formerly in system procedure 1.A.9.1 - checklist;