

Liquor Licensing Regulation, amendment

Regulation 164/2011
Registered October 7, 2011

Manitoba Regulation 177/94 amended

1 The *Liquor Licensing Regulation, Manitoba Regulation 177/94*, is amended by this regulation.

2(1) Subsection 7(1) is amended by striking out "A licensee" and substituting "Except as permitted by subsections (2) and (3), a licensee".

2(2) Subsection 7(2) is amended by striking out "brewer or wine manufacturer" and substituting "brewer, wine manufacturer or holder of a brew pub licence".

2(3) The following is added after subsection 7(2):

7(3) The holder of a dining room licence may possess wine that was brought into the dining room by a patron under section 67.1 of the Act.

3(1) Subsections 14(4) and (5) are replaced with the following:

14(4) If a person who appears to be a minor

- (a) seeks to enter licensed premises in which minors are prohibited;
- (b) is present in licensed premises in which minors are prohibited; or
- (c) attempts to order liquor or is in possession of liquor in licensed premises when not otherwise permitted to do so under the Act;

the licensee must require that person to produce a valid identification card belonging to that person issued by Manitoba Public Insurance or two valid pieces of government-issued identification belonging to that person, with at least one piece of identification containing a photograph of that person.

14(5) If the person who is required to produce identification under subsection (4) refuses or is unable to produce the required identification, the licensee must

(a) refuse to allow the person to enter the licensed premises or require the person to leave the premises, if minors are prohibited in those premises; or

(b) refuse to serve liquor to the person or, if the person is in possession of liquor, take the liquor away from the person.

3(2) Subsection 14(6) is amended

(a) by striking out "proof" and substituting "identification"; and

(b) by striking out "the request of the licensee or beverage server" and substituting "request".

4 The following is added after section 20:

BYOW service requirements

20.1 The holder a of dining room licence who allows a patron to bring wine to the dining room under section 67.1 of the Act must ensure that the wine is commercially-made and is in an unopened bottle.

5(1) Subsection 27(1) is replaced with the following:

Records

27(1) The holder of a cabaret licence must keep records showing the value of liquor and food sold in the cabaret on a quarterly basis.

27(1.1) Upon request from the commission, the licensee must

(a) provide the commission with a report showing the value of sales for one or more quarterly periods, no later than 15 days after the date of the request or such shorter time as the commission may specify; and

(b) include in each report made under clause (a) such information as the commission may require on the quantities of liquor held in stock by the licensee, on any specified date, for use in the cabaret.

5(2) Subsection 27(2) is amended by striking out "subsection (1)" and substituting "subsection (1.1)".

6 Subsection 45(2) is replaced with the following:

45(2) A retail beer vendor may sell only

(a) beer specified by the commission at prices set by the commission; and

(b) if authorized by the commission, ciders and coolers specified by the commission at prices set by the commission.

7 **The following is added after section 44 and before the heading for Part 10:**

PART 9.1

BREW PUB LICENCES

Definitions

44.1 The following definitions apply in this Part.

"**off-premises sale**" means the sale of beer produced at the subject premises for consumption outside of the subject premises.

"**subject premises**" means the premises that are the subject of a brew pub licence.

Federal licensing requirements

44.2 The holder of a brew pub licence must be licensed as a brewer by the Government of Canada.

Production requirements

44.3(1) The holder of a brew pub licence must produce beer using equipment that meets the following requirements:

- (a) all brewing equipment must be commercially-manufactured;
- (b) the fermentation, maturation and dispensing tanks must have a minimum capacity of 500 litres;
- (c) proper metering devices must be attached to the brewing equipment that record the amount of beer produced.

44.3(2) The holder of a brew pub licence must ensure that all beer produced at the subject premises

- (a) is produced in accordance with the requirements of the *Food and Drugs Act* (Canada); and
- (b) meets any quality standards imposed by the commission.

44.3(3) Unless otherwise authorized by the commission, the holder of a brew pub licence must not produce more than 2 000 hectolitres of beer at the subject premises in a year.

Sampling

44.4(1) The holder of a brew pub licence may provide a complimentary sample of beer produced at the subject premises to patrons in the premises in accordance with subsection (2).

44.4(2) A patron may be provided with a 113.6 ml (4 ounces) sample of each beer produced at the subject premises.

Pricing

44.5 The holder of a brew pub licence may only sell beer for off-premises sale at prices set by the commission.

Off-premises sale requirements

44.6 The holder of a brew pub licence who conducts off-premises sales from the subject premises must

- (a) make all sales from a location that is immediately adjacent to the entrance to the subject premises;
- (b) post a notice that clearly displays the package sizes for sale and the price for each package size; and
- (c) ensure that any person who has purchased beer in an off-premise sale immediately leaves the subject premises with the beer following the purchase.

Gifts and sampling

44.7(1) Except as otherwise permitted by this regulation, the holder of a brew pub licence and any of his or her employees or agents must not make, or offer to make, a gift of beer produced at the subject premises to any person.

44.7(2) The holder of a brew pub licence and any of his or her employees or agents may donate beer produced at the subject premises to a charitable auction conducted under the authority of a special permit issued under subsection 39(2.1) of the Act.

44.7(3) The holder of a brew pub licence and any of his or her employees or agents may provide a complimentary sample of beer produced at the subject premises in a liquor store, liquor vendor or licensed retail premises, subject to any terms or conditions imposed by the commission.

44.7(4) The holder of a brew pub licence and any of his or her employees or agents may give a complimentary sample of beer produced at the subject premises to any licensee or any officer or employee of a licensee at that licensee's premises for the purpose of promoting that product.

44.7(5) The holder of a brew pub licence and any of his or her employees or agents may give a complimentary sample of beer produced at the subject premises to invited guests or other persons authorized to be present at a function organized to promote products produced by the licensee, subject to any terms or conditions imposed by the commission.

Records

44.8(1) The holder of a brew pub licence must keep records of the following information:

- (a) the total amount of beer produced at the subject premises;
- (b) all sales of beer produced at the subject premises, including particulars respecting the date of sales and the quantity and specific products sold;

(c) the amount of beer produced at the subject premises that was used for sampling or promotional purposes;

(d) any other information specified by the commission.

44.8(2) Upon request from the commission, the holder must provide the commission with the records prepared under subsection (1) for a specified period, no later than 15 days after the date of the request or such shorter time as the commission may specify.

Coming into force

8 This regulation comes into force on November 1, 2011.

October 5, 2011

THE LIQUOR CONTROL COMMISSION:

Carmen Neufeld
Chair