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THE LIQUOR AND GAMING CONTROL ACT (C.C.S.M. c. L153)

Liquor Licensing Regulation

Regulation 61/2014
Registered March 13, 2014

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PART 1

INTERPRETATION

Definitions

1 The following definitions apply in this regulation.

"Act" means *The Liquor and Gaming Control Act*.

"adult entertainment" means any form of dancing, or any exhibition, display, competition or event, involving a person who is nude or partially nude for any period of time.

"cider" means an alcoholic beverage obtained by the fermentation of fruit juice.

"cooler" means an alcoholic beverage obtained by combining a wine, beer or spirit base with

(a) fruit juice, vegetable juice or a flavouring preparation; and

(b) water or mineral water.

"entertainment venue operator" means the holder of an entertainment facility licence referred to in clause 15(1)(a) of the *Liquor and Gaming Regulation*.

"retail licensee" means a person who holds a retail liquor licence.

"veterans organization" means an organization whose members are

(a) current or former members of the Canadian Forces or an allied military force; or

(b) persons who are associated with a person described in clause (a) and who are permitted under the by-laws of the organization to be members of the organization.

PART 2

LIQUOR SERVICE LICENCES

Maximum capacity of licensed premises

2(1) The authority must establish the maximum capacity of licensed premises.

2(2) The authority must give the licensee a sign that sets out the maximum capacity of the licensed premises and the licensee must keep the sign posted in a conspicuous place in the premises.

2(3) The licensee must not permit more persons to be present in the licensed premises at any one time than the maximum capacity for the premises established by the authority.

LIQUOR SALES AND SERVICE

Liquor in licensed premises

3(1) A licensee may serve liquor purchased by the holder of a social occasion permit if the social occasion is held in the licensed premises.

3(2) If authorized by the authority, the holder of a customer/member service licence referred to in clause 18(1)(a) of the *Liquor and Gaming Regulation* may purchase liquor from a supplier other than MLLC or retail premises and serve it to its passengers, subject to any terms or conditions imposed by the authority.

3(3) A licensee may have complimentary liquor supplied by a liquor manufacturer or liquor distributor in the licensed premises if it is used for sampling purposes as permitted under this regulation.

No tampering with liquor

4(1) Unless authorized by the authority, a licensee must keep all liquor in the container in which it was purchased until it is dispensed for service to a patron.

4(2) A licensee must not adulterate or dilute liquor that is kept in the licensed premises or keep adulterated or diluted liquor in the licensed premises.

Liquor service restrictions

5(1) Unless authorized by the authority, a licensee must not serve more than

(a) 85.2 ml of spirits;

(b) 500 ml of wine; or

(c) 750 ml of beer, cider or coolers;

to an individual patron in the licensed premises at any one time.

5(2) A licensee may serve more liquor in a single container than set out in subsection (1) if

- (a) the licensee is satisfied that the liquor is to be consumed by more than one person; and
- (b) there is not more liquor in the container for each person who is to consume it than specified in subsection (1).

5(3) Unless authorized by the authority, a licensee must ensure that no patron in the licensed premises is in possession of more than two containers of liquor — whether full or partially full — at any one time.

Minimum pricing

6(1) Unless authorized by the authority, a licensee must not sell a drink containing the following types and volumes of liquor for less than a total purchase price, including provincial sales tax and federal goods and services tax, of \$2.25:

- (a) 28.4 ml of spirits;
- (b) 341 ml of beer, cider or coolers;
- (c) 142 ml of wine.

6(2) If a licensee sells a drink containing liquor in a larger or smaller volume than specified in subsection (1), the minimum price of that drink must increase or decrease in direct proportion to the increase or decrease in the volume of liquor contained in that drink.

6(3) Unless authorized by the authority, a licensee must not conduct any promotion or offer that allows a person to consume an unlimited or unspecified amount of liquor for a fixed price.

No consumption by staff

7 The manager of licensed premises and any person engaged in providing security or in serving liquor in the licensed premises must not consume liquor during the hours when he or she is on duty.

Liquor service requirements

8(1) Unless authorized by the authority, a licensee must not allow any person other than an on-duty employee of the licensee to sell or serve liquor in the licensed premises.

8(2) A licensee must ensure that no minor is involved in the sale or service of liquor in the licensed premises.

8(3) Unless authorized by the authority, a licensee must not allow a server to carry liquor within the licensed premises unless an order has been received for the liquor being carried by the server.

Minors may work in lounge area

8.1(1) Subject to this section, a minor employed by a licensee may work in the lounge area of premises that are the subject of a dining room/lounge licence.

8.1(2) A minor who is working in the lounge area must not

(a) be involved in the sale or service of liquor; or

(b) provide security in the lounge area or engage in the verification of proof of age of any person.

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Dining room and dining room/lounge licensee may allow patrons to bring own wine

9(1) A dining room licensee and a dining room/lounge licensee may allow a patron to bring his or her own commercially-made wine in an unopened bottle to the licensed premises for consumption with a meal served in the premises.

9(2) A licensee who allows a patron to bring wine to the licensed premises under this section must ensure that the wine is commercially-made and is in an unopened bottle before serving it to the patron.

9(3) All provisions of the Act and this regulation respecting the service, consumption and handling of liquor in licensed premises apply with necessary changes to wine brought by a patron under this section, as if that wine had been purchased in the licensed premises.

Consumption in licensed premises

10(1) A licensee must ensure that all liquor purchased in the licensed premises is consumed in the premises.

10(2) A licensee must ensure that no patron removes liquor from the licensed premises.

10(3) This section does not apply to the removal of liquor from licensed premises in accordance with subsection 57(3) of the Act and section 11.

Authorized removal of wine

11 A licensee may allow a person to remove an unfinished bottle of wine from the licensed premises if

(a) the wine was served to the person with a meal purchased at the licensed premises; and

(b) the licensee recorks the bottle using a new cork that is fully inserted into the bottle so that the top of the cork is flush with the opening of the bottle.

Consumption of liquor at closing time

12 A patron may consume liquor in licensed premises for one hour after the time when the sale of liquor in the premises must end.

Sampling in licensed premises

13(1) A liquor manufacturer or an agent, employee or representative of a liquor manufacturer or liquor distributor may provide a complimentary sample of liquor to adult patrons in licensed premises in accordance with the requirements of subsection (2).

13(2) A complimentary sample of liquor must not exceed the following serving sizes:

- (a) 15 ml of spirits;
- (b) 60 ml of wine;
- (c) 120 ml of beer, cider or coolers.

13(3) A liquor manufacturer or distributor or an agent, employee or representative of a liquor manufacturer or liquor distributor may provide a licensee with a complimentary sample of liquor for consumption by the licensee and his or her employees for informational and training purposes, subject to such conditions as may be specified by the authority.

MINORS**When minors may consume liquor in licensed premises**

14(1) A minor must not possess or consume liquor in licensed premises that he or she is authorized to enter under the Act unless

- (a) the liquor is purchased or provided by his or her parent, spouse, common-law partner or guardian; and
- (b) the liquor is consumed with a meal in the presence of the minor's parent, spouse, common-law partner or guardian.

14(2) Before a licensee accepts an order for service of liquor for consumption by a minor, the licensee must be satisfied that

- (a) the person ordering the liquor is 18 years of age or older and is the parent, spouse, common-law partner or guardian of the minor; and
- (b) the liquor will be consumed with a meal in the presence of the parent, spouse, common-law partner or guardian of the minor.

14(3) Upon request, the parent, spouse, common-law partner or guardian of a minor ordering liquor for consumption by the minor under subsection (1) must satisfy the licensee that he or she is the parent, spouse, common-law partner or guardian of the minor.

Proof of age

15(1) If a person who appears to be a minor

(a) attempts to enter licensed premises in which minors are prohibited or attempts to enter licensed premises in circumstances that are not permitted under the licence in question; or

(b) attempts to order liquor or is in possession of liquor in licensed premises when not permitted to do so under the Act;

the licensee must require that person to produce one of the authorized types of identification set out in subsection (2).

15(2) A person who is required to produce identification under subsection (1) must produce one of the following types of identification that belongs to the person:

(a) a valid passport;

(b) a valid driver's licence;

(b.1) a valid identification card issued by Manitoba Public Insurance;

(c) a Secure Certificate of Indian Status issued by the Government of Canada;

(d) two valid pieces of government-issued identification, with at least one piece of identification containing a photograph of the person.

15(3) If the person 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 his or her presence as a minor in the premises would contravene the Act; 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.

15(4) If the person who refuses or is unable to produce the required identification has already been served, the person must, on request, leave the licensed premises.

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Minors providing entertainment

16(1) A minor must not provide entertainment in a beverage room.

16(2) A minor may provide entertainment in age-restricted licensed premises other than a beverage room if he or she is accompanied by his or her parent, spouse, common-law partner or guardian who is at least 18 years of age.

ENTERTAINMENT

No drinking games

17 A licensee must not allow any game, activity or contest that involves the consumption of liquor to take place in the licensed premises.

Adult entertainment

18 Adult entertainment may only take place

(a) in a beverage room; or

(b) in other licensed premises that have been authorized by the executive director to provide adult entertainment in the premises.

MISCELLANEOUS PROVISIONS

Posting licence

19 A licensee must keep the licence for the licensed premises posted in a conspicuous place in the premises.

Record of purchases and sales

20(1) A licensee must maintain records of all liquor purchases and sales on a monthly basis and keep those records for at least two years.

20(2) A dining room licensee and a dining room/lounge licensee must maintain records of all liquor and food purchases and sales on a monthly basis and keep those records for at least two years.

Catering authorization

21(1) The executive director may, subject to such terms and conditions as he or she considers appropriate, issue a catering authorization to a dining room licensee or a dining room/lounge licensee that authorizes the sale of liquor for consumption with meals prepared by the licensee for a catered event at a private residence, business premises or other location authorized by the authority.

21(2) A licensee must give the authority written notice of a catered event for which an authorization is sought. The notice must include the date, time and location of the event and the name of the organizer of the event.

21(3) The sale and service of liquor by a licensee at an event under a catering authorization are subject to the same requirements that apply when liquor is sold and served in the licensee's dining room.

21(4) All food and liquor served at a catered event by a licensee under a catering authorization must be served by employees of the licensee.

21(5) All persons attending an event where a licensee is selling or serving liquor under a catering authorization must be invited by the organizer of the event and not by the licensee.

Protection of personal information

22 If the executive director has imposed a term or condition on a liquor service licence that requires the licensee to use specified security equipment in the licensed premises, such as surveillance cameras or devices that scan or verify identification provided by patrons, the licensee must adopt reasonable administrative, technical and physical safeguards to protect the privacy of patrons and employees, and the licensee must ensure that any personal information about patrons and employees is collected, retained, used, disclosed and ultimately destroyed in accordance with the terms and conditions on the licence.

DINING ROOM LICENCES**Kitchen operations**

23 A dining room licensee must

- (a) operate a kitchen on the licensed premises and ensure that the kitchen is in operation at all times when the licensed premises are open; and
- (b) ensure that the kitchen is stocked with sufficient food and supplies to prepare the items on the menu.

Availability of menu items

24(1) Subject to this section, a dining room licensee must prepare all items set out in the dining room's menu if the item is ordered by a patron when liquor may be served in the dining room.

24(2) A dining room licensee is not required to prepare an item set out in the menu if an order for the item is received so close to closing time that it not possible to prepare the item and have it consumed before the dining room closes.

24(3) A dining room licensee does not contravene subsection (1) if a particular item is unavailable because it is not in season or due to an unforeseen shortage, as long as a majority of the items on the dining room's menu are available.

DINING ROOM/LOUNGE LICENCES**Operation of dining room area**

25 Sections 23 and 24 apply, with necessary changes, to a dining room/lounge licensee's operation of the dining room area of the licensed premises.

Food service in lounge area

26(1) The licensee of a dining room/lounge must ensure that there is a variety of food items available in the lounge area for sale to patrons at all times that the lounge area is open.

26(2) All food served in the lounge area must be prepared in the licensee's kitchen.

Vacating

27 A dining room/lounge licensee must ensure that all patrons leave the lounge area of the licensed premises within 60 minutes after the time when liquor sales must end in the licensed premises.

Authorization for other uses

28 The authority may issue an authorization to a dining room/lounge licensee that authorizes the licensee to admit persons, including minors, into the lounge area of the licensed premises for purposes specified in the authorization, during the hours in which liquor may not lawfully be sold in the lounge area.

BEVERAGE ROOM LICENCES

Food service requirements

29(1) Unless authorized by the authority, a beverage room licensee must ensure that there is a variety of food available to patrons in the licensed premises at all times that the premises are open.

29(2) The licensee may provide food that is prepared outside the licensed premises or offer prepackaged food that is acceptable to the authority.

Vacating

30 A beverage room licensee must ensure that all patrons leave the beverage room within 60 minutes after the time when liquor sales must end in the beverage room.

Authorization for other uses

31 The authority may issue an authorization to a beverage room licensee that authorizes the licensee to admit persons, including minors, into the beverage room for purposes specified in the authorization, during the hours in which liquor may not lawfully be sold in the beverage room.

ENTERTAINMENT FACILITY LICENCES

Food service requirements

32(1) Unless authorized by the authority, an entertainment facility licensee must ensure that there is a variety of food available to patrons in the licensed premises at all times that the premises are open.

32(2) The licensee may provide food that is prepared outside the licensed premises or offer prepackaged food that is acceptable to the authority.

Entertainment requirement

33(1) An entertainment venue operator must provide live entertainment approved by the executive director in the licensed premises in accordance with this section.

33(2) Unless authorized by the executive director, the entertainment venue operator must provide at least two hours of live entertainment in the licensed premises each day the premises are open.

33(3) The entertainment venue operator must provide live entertainment

(a) between 12 noon and 8:00 p.m., on any day when the licensed premises close on or before 8:00 p.m.; or

(b) between 8:00 p.m. and 2:00 a.m. on any other day.

33(4) Live entertainment in the licensed premises must

(a) be presented in a manner that is designed to draw the attention of all patrons;

(b) take place on a stage that is visible to all patrons and must constitute the main focus of the premises while it is being presented; and

(c) be provided by a performer who is paid by the entertainment venue operator.

Vacating

34 An entertainment venue operator must ensure that all patrons leave the licensed premises within 60 minutes after the time when liquor sales must end in the licensed premises.

CUSTOMER/MEMBER SERVICE LICENCES

Food service requirements

35(1) Unless authorized by the authority, a customer/member service licensee must ensure that there is a variety of food available to patrons in the licensed premises at all times that the premises are open.

35(2) The licensee may provide food that is prepared outside the licensed premises or offer prepackaged food that is acceptable to the authority.

Membership requirements

36(1) In order to be considered a member of a private club or veterans organization that holds a member/customer service licence, a person must have full voting powers on financial matters and the election of officers.

36(2) The amount of the fee charged for membership in a private club or veterans organization must reasonably reflect the cost of joining the club and using its facilities.

36(3) A private club or veterans organization that holds a member/customer service licence must not sell memberships at the door of the licensed premises but it may accept applications for membership for consideration at a future meeting of the board of directors of the club.

UNIQUE HOSPITALITY VENUE LICENCES

Food service requirements

37 The holder of a unique hospitality venue licence must provide food in the licensed premises in accordance with any term or condition imposed on the licence respecting food service in the licensed premises.

BREW PUBS

Definitions

38 The following definitions apply in this section and in sections 39 to 43.

"**brew pub operator**" means the holder of a liquor service licence with a brew pub endorsement issued under section 25 of the Act.

"**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 the liquor service licence with a brew pub endorsement.

Federal licensing requirements

39 A brew pub operator must be licensed as a brewer by the Government of Canada.

Production requirements

40(1) A brew pub operator must produce beer using equipment that meets the following requirements:

- (a) all brewing equipment must be commercially-manufactured;
- (b) [repealed] M.R. 140/2016;
- (c) proper metering devices must be attached to the brewing equipment that record the amount of beer produced.

40(2) A brew pub operator 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 other quality standards imposed by the authority.

40(3) Unless authorized by the authority, the brew pub operator must not produce more than 2,000 hectolitres of beer at the subject premises in a year.

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Sampling

41(1) A brew pub operator may provide a complimentary sample of beer produced at the subject premises to adult patrons in accordance with subsection (2).

41(2) A patron may be provided with a 120 ml sample of beer produced at the subject premises.

Pricing for off-premises sales

42 A brew pub operator must sell beer for off-premises sale at prices set by MLLC.

Off-premises sale requirements

43 A brew pub operator 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; and

(b) ensure that any person who has purchased beer in an off-premise sale immediately leaves the subject premises with the beer following the purchase.

PART 3

RETAIL LICENCES

GENERAL PROVISIONS RE RETAIL PREMISES

Liquor to be sold in original package

44 Unless authorized by the authority, all liquor sold in retail premises must be sold in the bottle, container or package in which it was contained when it was received from MLLC.

Proof of age

45(1) If a person who appears to be a minor attempts to purchase liquor from retail premises, the retail licensee must require that person to produce one of the following types of identification that belongs to the person:

- (a) a valid passport;
- (b) a valid driver's licence;
- (b.1) a valid identification card issued by Manitoba Public Insurance;
- (c) a Secure Certificate of Indian Status issued by the Government of Canada;
- (d) two valid pieces of government-issued identification, with at least one piece of identification containing a photograph of the person.

45(2) If the person is unable to produce the required identification the retail licensee must not sell any liquor to that person and must request that person to leave the premises.

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Delivery by retail licensees

46(1) The executive director may authorize a retail licensee to deliver liquor to purchasers.

46(2) The executive director may impose such terms or conditions on an authorization under this section as he or she considers appropriate.

46(3) A retail licensee may impose a delivery charge on any liquor that is delivered to a purchaser.

Sampling in retail premises

47(1) An agent, employee or representative of a liquor manufacturer or liquor distributor or an employee of a retail licensee may provide a complimentary sample of liquor to adults in retail premises.

47(2) A complimentary sample of liquor must not exceed the following serving sizes:

- (a) 15 ml of spirits;
- (b) 60 ml of wine;
- (c) 120 ml of beer, cider or coolers.

47(3) A liquor manufacturer or liquor distributor or an agent, employee or representative of a liquor manufacturer or liquor distributor may provide a retail licensee with a complimentary sample of liquor for consumption by the licensee and his or her employees for informational and training purposes, subject to such conditions as may be specified by the executive director.

RETAIL BEER VENDORS

Requirements for retail beer vendor

48(1) The executive director may issue a retail beer vendor licence to the operator of a hotel if the associated hotel contains

- (a) at least 40 guest rooms, with each room containing a minimum of 18.6 m² of living space, excluding the bathroom, if the hotel is located in Winnipeg or Brandon;
- (b) at least 20 guest rooms, with each room containing a minimum of 15.3 m² of living space, excluding the bathroom, if the hotel is located in any other municipality with a population of 8,000 or more;
- (c) at least 10 guest rooms, with each room containing a minimum of 15.3 m² of living space, excluding the bathroom, if the hotel is located in a municipality with a population of at least 2,500 but less than 8,000; or
- (d) at least 4 guest rooms, with each room containing a minimum of 15.3 m² of living space, excluding the bathroom, if the hotel is located in a municipality with a population of less than 2,500, or in any part of Manitoba that is not located in a municipality.

48(2) The executive director may reduce the guest room requirements set out in subsection (1) if he or she considers it appropriate.

48(3) For the purpose of clause 38(3)(c) of the Act, the executive director is to take into account the ownership structure and the location, signage and design of the hotel and proposed premises of the retail beer vendor when determining whether a proposed retail beer vendor and a hotel that are not located on the same parcel of land operate as a single establishment.

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PART 4

MANUFACTURER'S LICENCES

Sales to MLLC authorized

49 The holder of a manufacturer's licence is authorized to sell liquor produced at the premises specified in the licence to MLLC.

Sampling in manufacturer's premises

50 Adult visitors to premises that are the subject of a manufacturer's licence may be provided with a complimentary sample of liquor produced by the licensee in accordance with the requirements of subsection 47(2).

PART 5

COMING INTO FORCE

Coming into force

51 This regulation comes into force on the same day that Schedule B of *The Manitoba Liquor and Lotteries Corporation Act and Liquor and Gaming Control Act*, S.M. 2013, c. 51, comes into force.

March 3, 2014

Liquor and Gaming Authority of Manitoba:

Donna Roed
Vice-chairperson