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

Miscellaneous Provisions Regulation

Regulation 64/2014
Registered March 13, 2014

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Definitions

1 The following definitions apply in this regulation.

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

"delivery licence" means a licence issued under section 151.1 of the Act that authorizes the delivery of liquor and cannabis.

"licensed supplier" means the holder of

- (a) a retail liquor licence;
- (b) a liquor service licence;

(c) a liquor manufacturer's licence with a retail endorsement; or

(d) a retail cannabis licence.

"national carrier" means a business such as Canada Post or a courier company that

(a) delivers a wide variety of goods on behalf of any person who wishes to retain its services; and

(b) has multiple offices or distribution centres in Canada or other countries.

"promotional agreement" means an agreement between a liquor manufacturer, a liquor distributor, or any of their agents, employees or representatives, and the holder of a liquor service licence or retail liquor licence under which the holder agrees to sell a specific type, class or brand of liquor.

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Meaning of "private place"

2(1) For the purpose of clause 57(2)(c) of the Act, **"private place"** means a private, enclosed area of a business, organization, school or other institution to which the public is not ordinarily invited or permitted, except at any time when the public is invited or permitted access to it.

2(2) An area described in subsection (1) is not a private place if it is available for public rental.

Promotional event

3(1) A liquor manufacturer or liquor distributor, the holder of a retail liquor licence, or any of their agents, employees or representatives, may provide complimentary samples of liquor, by the glass or bottle, at an event authorized by the authority that is intended to promote specific products produced by a liquor manufacturer.

3(2) The authority may impose such terms or conditions on an authorization for a promotional event that it considers appropriate.

Permitted donations of liquor

4 A liquor manufacturer or liquor distributor, the holder of a retail liquor licence or a liquor service licence, or any of their agents, employees or representatives, may give liquor purchased from MLLC

(a) to a charitable organization to enable the organization to sell or auction it under authority of a special sale permit issued under clause 50(1)(a) of the Act;

(b) to the organizer of a charitable fundraising event for consumption at the event, if the authority has authorized the donation of liquor in advance of the event; and

(c) to be used as a prize in a gaming event.

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Promotional agreements with liquor manufacturers and distributors

5(1) All promotional agreements must be in writing.

5(2) The holder of a liquor service licence or retail liquor licence must, on request, provide the authority with a copy of any promotional agreement that the holder has entered into with another person.

5(3) The holder of a liquor service licence must not enter into any promotional agreement under which any benefit provided to the holder under the agreement is based on the amount of liquor purchased or sold.

5(4) If a promotional agreement provides free items or items at a discount to the holder of a liquor service licence, the items must be provided for patrons or be provided for the principal benefit of patrons.

6 and 7 [Repealed]

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Restriction on amount of homemade wine or beer

8 A person must not make more than 227 L of home-made beer or 227 L of home-made wine at any time.

Production of homemade beer and wine in authorized places

8.1 The executive director may authorize the homemade production of beer or wine in premises other than a residence if he or she is satisfied that

- (a) the premises comply with all applicable municipal zoning requirements;
- (b) all licences, permits and approvals required for the premises have been obtained or will be obtained from the appropriate authority; and
- (c) the area where beer or wine is produced is not accessible to the general public.

M.R. 78/2015

Obtaining items for delivery

8.2 All liquor or cannabis that is to be delivered by the holder of a delivery licence to a person who has ordered it from a licensed supplier must

- (a) be picked up from the premises of a licensed supplier; or
- (b) be sent to the holder from the licensed supplier;

after the order has been submitted.

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Delivery requirements

8.3(1) The holder of a delivery licence must ensure that all persons employed or retained by the holder to deliver liquor

- (a) do not open or tamper with any containers that contain liquor;

(b) do not deliver liquor to a person under 18 years of age or to a person who is or who appears to be intoxicated;

(c) do not deliver liquor to a person who appears to be under 18 years of age unless the person produces one of the authorized types of identification set out in subsection (3) that confirms that the person is 18 years of age or older; and

(d) do not deliver liquor more than 30 minutes after the premises of the licensed supplier are required to be closed under the Act.

8.3(2) The holder of a delivery licence must ensure that all persons employed or retained by the holder to deliver cannabis

(a) do not open or tamper with any packages containing cannabis;

(b) do not deliver cannabis to a person under 19 years of age or to a person who is or who appears to be intoxicated;

(c) do not deliver cannabis to a person who appears to be under 19 years of age unless the person produces one of the authorized types of identification set out in subsection (3) that confirms that the person is 19 years of age or older; and

(d) do not deliver cannabis more than 30 minutes after the premises of the licensed supplier are required to be closed under the Act.

8.3(3) A person who is required to produce identification under subsection (1) or (2) must produce one of the following types of identification that belongs to the person:

(a) a valid passport;

(b) a valid driver's licence;

(c) a valid identification card issued by Manitoba Public Insurance;

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

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

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Exemption for national carriers

8.4(1) A national carrier does not require a delivery licence in order to deliver liquor or cannabis for a licensed supplier.

8.4(2) If a licensed supplier uses a national carrier to deliver liquor or cannabis, the supplier must select a method of delivery which requires items to be delivered personally to the purchaser or that requires the purchaser to attend at the carrier's facility and present identification confirming their identity in order to pick up their item.

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Minors and young persons engaged in compliance activities

8.5(1) A minor or young person engaged or employed by the authority under section 122.1 of the Act must be accompanied by an inspector at all times when engaged in compliance activities.

8.5(2) A minor or young person engaged or employed by the authority under section 122.1 of the Act must be at least 16 years of age.

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Coming into force

9 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.

February 28, 2014

Liquor and Gaming Authority of Manitoba:

Donna Roed
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