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THE LIQUOR CONTROL ACT
(C.C.S.M. c. L160)

Liquor Licensing Regulation

Regulation 177/94
Registered September 19, 1994

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PART 1

GENERAL PROVISIONS

Definitions

1 In this regulation,

"**Act**" means *The Liquor Control Act*;

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

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

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

(b) water or mineral water;

"**fortified wine**" means a wine which has been strengthened with alcohol by the addition of spirits at some point in its production that has an alcohol content of 15% or more;

"**licensee**" means the holder of a valid and subsisting licence of a class mentioned in subsection 60(1) of the Act;

"**table wine**" means a wine other than fortified wine.

M.R. 19/2001

Maximum capacity of premises

2(1) The maximum capacity of all premises licensed under clauses 60(1)(a) to (g) of the Act, or used to host occasional permit functions, is fixed by dividing the total area (in square meters or square feet) of the premises in which liquor may be served by 1.1148 square meters (or 12 square feet).

2(2) Where a stand-up game or a stage is installed in or removed from premises for which the maximum number of patrons permitted has been fixed under subsection (1), the commission, upon being informed by the licensee of the installation or removal, may adjust the maximum number so fixed if it deems it necessary.

2(3) A licensee of premises referred to in subsection (1) shall not permit more patrons in the premises at any one time than the maximum number fixed for those premises under that subsection.

2(4) The commission shall provide every licensee of premises referred to in subsection (1) with a sign showing the maximum number of patrons permitted on the premises under this section, and the licensee shall without delay post the sign and keep it posted in a conspicuous place in the premises.

Liquor service

3(1) Unless otherwise authorized by the commission, each licensee shall provide in his or her licensed premises, price lists or signs indicating to the patrons

(a) the variety of liquor offered for sale;

(b) the amount of liquor in each type of drink containing liquor; and

(c) the price at which each type of drink may be purchased.

3(1.1) Unless otherwise authorized by the commission, no licensee shall offer, sell, serve or provide beverages 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 (one ounce) of spirits;

(b) 341 ml (12 ounces) of beer, cider or cooler;

(c) 142 ml (5 ounces) of table wine;

(d) 56.8 ml (2 ounces) of fortified wine.

3(1.2) If a licensee offers, sells, serves or provides a beverage containing liquor in a larger or smaller volume than specified in subsection (1.1), the minimum price of that beverage shall increase or decrease in direct proportion to the increase or decrease in the volume of liquor contained in that beverage.

3(1.3) Unless otherwise authorized by the commission, no licensee shall conduct any promotion or offer which allows a patron to consume an unlimited or unspecified amount of liquor for a fixed price.

3(2) A licensee shall not serve in a drink, an amount of liquor that is less than the amount stated on the price list, unless the patron has requested that the smaller amount be served.

3(3) Subject to subsection (4), every licensee shall measure all spirits contained in a drink by means of a shot glass, mechanical dispenser or electronic dispenser that has received the prior approval of the commission.

3(4) Subsection (3) does not apply

(a) to a cocktail or other drink that requires mixing before serving; and

(b) where a bottle containing a single serving is used.

3(5) Unless otherwise authorized by the commission, a licensee shall not allow a server to carry alcoholic beverages in licensed premises before receiving orders for those beverages.

3(6) Unless otherwise authorized by the commission, a licensee shall not allow any person other than an on-duty employee of the licensee to offer, sell, serve or provide liquor in the licensed premises.

M.R. 19/2001; 164/2002; 158/2004; 193/2011

Food service

3.1(1) Unless otherwise authorized by the commission, a licensee who is required by the Act or this regulation to have food service available in the licensed premises may only serve food that has been prepared in the licensed premises.

3.1(2) All food served in licensed premises must be prepared in accordance with all applicable provincial and municipal health and safety standards.

M.R. 54/2000; 167/2009

Storage

4 Every licensee and every beer vendor holding a retail licence shall

(a) provide space for the storage of liquor in an area or room set aside for that purpose and approved by the commission for such use; and

(b) keep all liquor purchased under the authority of the licence in the licensed

premises or in the approved storage area or room.

Liquor in containers

5(1) Unless otherwise authorized by the commission, a licensee shall keep liquor purchased for sale in licensed premises in the container in which it was purchased from the commission until the liquor is dispensed for serving to a patron.

5(2) A licensee shall not in any way adulterate or dilute liquor that is kept on the licensed premises or keep adulterated or diluted liquor on the licensed premises.

6 Repealed.

M.R. 19/2001

Purchase of liquor

7(1) Except as permitted by subsections (2) and (3), a licensee shall not have in his or her possession in the licensed premises any liquor that was not

(a) purchased by him or her in an authorized manner from the commission, a liquor vendor, a local retail beer vendor or a specialty wine store; or

(b) purchased under an occasional permit.

7(2) A licensee may have in his or her possession in the licensed premises, complimentary liquor supplied to him or her by a distiller, brewer, wine manufacturer or holder of a brew pub licence to be used for sampling purposes as prescribed by the commission.

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.

M.R. 134/2001; 164/2011

Control of licensed premises

8 Unless authorized by the commission in writing, no licensee shall permit, whether by lease, concession, agreement or practice, the operation or conduct of any food or beverage service to the public in the licensed premises, to be controlled by another person.

Alteration of premises

9 No licensee shall make a structural alteration to, or enlarge, any licensed premises except in accordance with plans and specifications approved by the commission.

Appointment of manager

9.1(1) Except in the case of an individual licensee, a licensee must appoint a person as manager of the licensed premises.

9.1(2) The licensee must give the commission written notice of the person appointed as manager of the licensed premises.

9.1(3) Following the coming into force of this section, before a person appointed as manager may assume his or her duties, the licensee must provide the commission with

(a) a personal history report completed by the manager, in the form and containing the information required by the commission; and

(b) a criminal background check from a law enforcement agency detailing any convictions committed by the manager under a federal or provincial enactment.

M.R. 76/2008

Responsible person to be present

10 Whenever licensed premises are open to the public, one of the following persons must be present in the premises:

(a) the individual licensee, if applicable,

(b) the manager of the licensed premises;

(c) a responsible person designated by the licensee or manager.

M.R. 76/2008; 10/2011

Hours

11 A licensee shall advise the commission of the regular hours of operation of the licensed premises and shall post and keep posted a notice of those hours in a conspicuous place on the premises.

Employees

12(1) A person engaged in providing security or in serving liquor or food in licensed premises shall not consume liquor during the hours when he or she is so engaged.

12(2) The manager and a responsible person designated under clause 10(c) shall not consume liquor during the hours when he or she is responsible for the licensed premises.

M.R. 19/2001

12.1 Repealed.

M.R. 19/2001; 63/2007; 10/2011

Responsible service and safety training

12.2(1) In this section, "**certificate**" means a certificate confirming that the person named in the certificate has successfully completed a responsible service and safety course approved by the commission.

12.2(2) No licensee shall allow a person who does not hold a certificate to do any of the following at the licensed premises:

(a) act as manager;

(b) act as a responsible person designated under clause 10(c);

(c) sell or serve liquor;

(d) provide security.

12.2(3) Repealed, M.R. 10/2011.

M.R. 63/2007; 10/2011

12.3 Repealed.

M.R. 63/2007; 10/2011

Entertainers

13 Any entertainer hired to perform

(a) in a beverage room, must be 18 years of age or older; and

(b) in a cocktail lounge or cabaret,

(i) must be 18 years of age or older, or

(ii) if under 18 years of age, accompanied by a parent, spouse, common-law partner or guardian.

M.R. 139/2008

Service to minors

14(1) In this section, "**minor**" means a person who is under the age of 18 years.

14(2) For the purposes of section 93 of the Act, before the licensee of a cocktail lounge, dining room, sports facility premises, spectator activities premises, private club, transportation premises or cabaret 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) shall satisfy the licensee that he or she is the parent, spouse, common-law partner or guardian of the minor.

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 one of the authorized types of identification set out in subsection (4.1)

14(4.1) A person who is required to produce identification under subsection (4) must produce one of the following types of identification that belong to the person:

(a) a valid passport;

(b) a valid driver's licence or identification card issued by Manitoba Public Insurance;

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

14(5) If the person who is required to produce a type of identification set out in subsection (4.1) 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.

14(6) If the person who refuses or is unable to furnish a type of identification set out in subsection (4.1) has already been served, the person shall on request leave the licensed premises.

14(7) If the person requested to leave the licensed premises under subsection (6) fails to do so, he or she may be ejected from the licensed premises.

M.R. 139/2008; 164/2011; 8/2012

Games and entertainment

15(1) A licensee of premises other than a canteen may allow patrons to play games or sports in the licensed premises if

(a) a designated area of adequate size is set aside for the playing of the games;

(b) the licensee retains control of the facilities and equipment used in the games; and

(c) with the exception of private clubs and sports facilities, not more than 50% of the licensed area is set aside for that purpose.

15(2) Where the commission is of the opinion that any entertainment or the playing of any game or sport in licensed premises is detrimental to the orderly operation of the licensed premises, it may order the licensee to suspend or terminate the entertainment or the playing of that game or sport.

15(3) A licensee shall not permit any game or contest that involves the consumption of liquor to take place in the licensed premises.

M.R. 106/96; 158/2004

Adult entertainment

15.1(1) In this section,

"**adult entertainer**" means a person who performs adult entertainment, whether

or not he or she receives any form of payment or consideration for performing; "**adult entertainment**" means any form of dancing, or any exhibition, display, competition or contest, involving a person who is nude or partially nude for any period of time;

"**nude**" means the exposure of

(a) the genital area or the entire buttocks of a male or female, or

(b) the breast of a female below a point immediately above the top of the areola;

"**partially nude**" means a state of dress where the following areas of the body are not completely and opaquely covered:

(a) the genital area or the entire buttocks of a male or female, or

(b) the breast of a female below a point immediately above the top of the areola;

"**stage**" means an area that complies with the requirements of subsection (4).

15.1(2) No licensee shall provide adult entertainment except in

(a) a beverage room; or

(b) a private club which does not admit persons under 18 years of age to the licensed area of the club while adult entertainment is being provided.

15.1(3) No licensee shall allow adult entertainment to be visible from outside the beverage room or private club.

15.1(4) No licensee shall provide adult entertainment except

(a) on a raised, permanent and immovable stage; or

(b) in a specified area designed to prevent physical contact between patrons and adult entertainers by

(i) using physical barriers, or

(ii) placing patron seating at least one metre from the area where adult entertainment is to take place.

15.1(5) No licensee shall allow any adult entertainer to touch, be touched by, or have physical contact of any kind, whether directly or through the use of any object, with any person during a performance, or after performing unless the entertainer has left the stage and the beverage room or club in accordance with subsection (9).

15.1(6) No licensee shall allow a patron to enter the stage while adult entertainment is being provided.

15.1(7) No licensee shall allow an adult entertainer to leave the stage while performing adult entertainment.

15.1(8) More than one adult entertainer is permitted on stage at the same time but a licensee shall not allow any adult entertainer to touch, be touched by, or have physical contact of any kind, whether directly or through the use of any object, with another adult entertainer.

15.1(9) A licensee shall require an adult entertainer to leave the stage and the licensed area of the beverage room or club immediately after performing and not return until he or she is no longer nude or partially nude.

15.1(10) No licensee shall allow an adult entertainer to be nude or partially nude if he or she is in the licensed area of the beverage room or club before performing or between performances.

15.1(11) No licensee shall allow any person providing security or serving liquor or food in the licensed premises to be nude or partially nude when so engaged.

15.1(12) No licensee shall allow any person under 18 years of age to perform adult entertainment in a beverage room or club.

15.1(13) No licensee shall provide adult entertainment on Sunday after 2:00 a.m.

M.R. 99/2001

Washrooms

16 Every licensee shall provide washrooms in or adjacent to the licensed premises for patrons of each sex containing washing and toilet facilities in accordance with the *Manitoba Building Code*.

Carrying drinks to washrooms

16.1(1) When washrooms are located within licensed premises, the licensee shall ensure that any person who wishes to take liquor to the washroom under subsection 120(2) of the Act uses a washroom located within the licensed premises.

16.1(2) If there are no washrooms located within licensed premises, the licensee shall ensure that any person who takes liquor to an adjacent washroom under subsection 120(2) of the Act

(a) goes directly to the nearest washroom adjacent to the licensed premises;

(b) does not consume the liquor between the licensed premises and the washroom;

(c) does not share the liquor with, or give or provide it to, another person; and

(d) returns directly from the washroom to the licensed premises where he or she obtained the liquor.

16.1(3) A person who takes liquor to a washroom that is adjacent to licensed premises under subsection 120(2) of the Act

(a) must go directly to the nearest washroom adjacent to the licensed premises;

(b) must not consume the liquor between the licensed premises and the washroom;

(c) must not share the liquor with, or give or provide it to, another person;

(d) must return directly from the washroom to the licensed premises where he or she obtained the liquor; and

(e) must comply with any reasonable requirement imposed by the licensee respecting the manner in which the liquor is to be carried from the licensed premises to the washroom.

M.R. 27/2007

Examination of records

17 The commission may, in its discretion, at any reasonable time, examine the books and financial records of any licensee.

Approval of management agreement

17.1(1) Following the coming into force of this section, a licensee must provide the commission with a copy of a proposed management agreement respecting the licensed premises before entering into the agreement.

17.1(2) The licensee must not enter into a management agreement unless the agreement has been approved by the commission.

M.R. 76/2008

Change in ownership of shares

18(1) When there is a change in the ownership of shares in a licensee that is incorporated, or of a corporation that holds shares in a licensee that is incorporated, whether the shares are held directly in the licensee or through one or more corporations, the licensee shall

(a) if the change in ownership of shares is by agreement, notify the commission of the proposed change without delay after the agreement is entered into unless before that time the licensee has notified the commission of the proposed change; and

(b) if the change in ownership of shares is by operation of law, notify the commission without delay after the change has occurred.

18(2) The commission may approve the change in ownership of shares without an application or may require the licensee to apply for approval of the change in a form and containing the information required by the commission.

18(3) For the purpose of this section, a change in ownership of shares in a corporation occurs when there is

(a) an issue or a transfer of shares of the corporation;

(b) the conversion of shares of the corporation into shares of another corporation with which it amalgamates; or

(c) a change in the beneficial ownership of any share that is held beneficially.

M.R. 134/2001

Change of ownership of business
19 In the event of a proposed change in ownership of the business of a licensee, the intended transferee or assignee of the business shall without delay notify the commission of the proposed change.

PART 2

DINING ROOM LICENCES

Meal service
20(1) In order to serve liquor to a patron in a licensed dining room, the licensee must serve a meal consisting of a multi-component food item or more than a single food item to that patron.

20(2) A dining room licensee may serve liquor to patrons without food service if the patrons are seated at a table where 50% or more of all the patrons seated at the table, including those who are having liquor without meals, have ordered meals in a quantity that is sufficient for the patrons who are having meals.

20(3) Where

(a) a dining room licensee offers takeout food service; and

(b) an order for takeout food has been placed by a patron and is in the process of being filled;

the licensee may sell and serve liquor to that patron for consumption in the dining room while the order is being filled.

20(4) Unless otherwise authorized by the commission, a bill given to a patron must include both food and liquor sold to the patron.

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.

M.R. 164/2011

Catering
21(1) The commission may issue a catering authorization to a dining room licensee if

(a) the licensee applies to the commission for the catering authorization and the application is approved by the commission;

(b) the food and liquor will be served by the licensee or his or her employees at the function to be catered; and

(c) the catered function will be held at a private residence, private business premises or a place authorized by the commission.

21(2) Where a catering authorization is issued under subsection (1), the service of liquor and food is subject to the same terms and conditions that apply to the licensee's dining room licence.

21(3) A dining room licensee must submit a list of functions to be catered at least one week in advance of the earliest function, and the list shall include the date, time, location and address of each event and the name of the sponsoring person or organization in each case.

21(4) Persons in attendance at a social function being catered under this section must be invited by the sponsoring person or organization and not by the licensee.

Kitchen
22 The licensee of a dining room shall provide a kitchen on the dining room premises that

(a) meets all applicable provincial and municipal health and safety standards; and

(b) is sufficiently equipped to prepare the meals offered on the menu.

Exception for seniors residences, developmental centres
22.1 The provisions of this Part do not apply to a licensee who is the operator or proprietor of a home for elderly or infirm persons or a developmental centre as that term is defined in *The Vulnerable Persons Living with a Mental Disability Act*.

M.R. 134/2001

PART 3

COCKTAIL LOUNGE LICENCES

Food to be available
23 The licensee of a cocktail lounge shall have a variety of food items available in the cocktail lounge for sale to patrons at all times that the cocktail lounge is in operation.

M.R. 164/2002

PART 4

BEVERAGE ROOM LICENCES

Food service
24(1) The licensee of a beverage room must ensure that a variety of food, including at least two hot food items, is available for sale to patrons at all times that the beverage room is in operation.

24(2) Pizzas, hamburgers, hot dogs, chicken fingers, onion rings and french fries are examples of items that would be considered to be acceptable hot food items for the purposes of subsection (1). Popcorn or prepackaged snack foods such as potato chips or nachos would not be considered to be hot food items for the purposes of that subsection.

M.R. 19/2001; 134/2001; 164/2002; 167/2009

Room requirements — number and size

24.1(1) The commission may issue a new beverage room licence to an applicant only if the hotel associated with the proposed beverage room contains

(a) at least 40 guest rooms, with each room containing a minimum of 60.96 square metres (200 square feet) 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 50.3 square metres (165 square feet) 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 50.3 square metres (165 square feet) 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; and

(d) at least 4 guest rooms, with each room containing a minimum of 50.3 square metres (165 square feet) of living space, excluding the bathroom, if the hotel is located in a municipality with a population of less than 2,500, or in unorganized territory or unorganized territory in Northern Manitoba, as those terms are defined in *The Municipal Act*.

24.1(2) The commission may exempt an applicant from the requirements of subsection (1).

M.R. 164/2002

Room requirements

24.2(1) The licensee of a beverage room shall ensure that all guest rooms in the associated hotel are adequately furnished, equipped and maintained in order to be suitable for renting to the general public.

24.2(2) The licensee of a beverage room shall ensure that guest rooms in the associated hotel are available for rent to the general public.

M.R. 164/2002

PART 5

CABARET LICENCES

Kitchen

25 The licensee of a cabaret shall provide a kitchen on the cabaret premises that

(a) meets all applicable provincial and municipal health and safety standards; and

(b) is sufficiently equipped to prepare the meals offered on the menu.

Revenue

26(1) Subject to subsection (2), the revenue derived from the sale of food in a cabaret during any quarterly period must be equal to at least 10% of the total food and liquor sales in the cabaret during the same period.

26(2) Where

(a) a licensee operates

(i) a dining room and a cabaret in the same premises, or

(ii) a dining room, a cabaret and a cocktail lounge in the same premises; and

(b) the licensee meets the requirements of the food to liquor ratio regulation in each case;

the licensee may combine the sales of food and liquor in the premises to determine if the provisions of subsection (1) are met.

26(3) Repealed, M.R. 134/2001.

M.R. 134/2001

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.

27(2) Where a report required under subsection (1.1) is not received by the commission within the time there prescribed, the commission, after notifying the licensee of its proposed action, may under the powers conferred upon it by the Act cease filling orders for liquor from the licensee until the report or a satisfactory explanation for its delay is received.

M.R. 164/2011

Entertainment

28(1) In this section, "**live entertainment**" means a live professional performance

(a) for which at least one performer is remunerated by the licensee;

(b) that takes place on a stage visible to all patrons and which constitutes the main focus of the cabaret; and

(c) that is designed to draw the attention of all patrons;

but does not include a disc jockey or master of ceremonies.

28(2) Unless otherwise authorized by the commission, a cabaret licensee shall provide at least two hours of live entertainment in the cabaret each day the cabaret is in operation. The live entertainment shall be provided

(a) between 12 noon and 8:00 p.m., on any day when the cabaret closes at or before 8:00 p.m.;

(b) between 8:00 p.m and 2:00 a.m. the following morning, on any day between Monday to Saturday when the cabaret closes after 8:00 p.m.; and

(c) between 8:00 p.m. and 12 midnight, on any Sunday when the cabaret closes after 8:00 p.m.

28(3) No cabaret licensee shall substantially change the entertainment program from that which was filed in support of its licence application without prior approval of the commission.

28(4) A cabaret licensee shall keep a written record of all live entertainment provided at the cabaret. The record must include the name of the performer, the date of each performance, and the time of day when each performance occurred.

28(5) A cabaret licensee shall preserve the records required by subsection (4) until such time as the commission authorizes their destruction.

28(6) The commission may, at any reasonable time, examine the records of a cabaret licensee required by subsection (4).

M.R. 54/2000; 134/2001; 164/2002

PART 6

SPORTS FACILITY LICENCES

Kitchen

29 The licensee of a sports facility shall provide a kitchen on the licensed premises that

(a) meets all applicable provincial and municipal health and safety standards; and

(b) is sufficiently equipped to prepare the meals offered on the menu.

Food service

30 The licensee of a sports facility shall

(a) make food service available to patrons who request it during all hours when the facility is open; and

(b) provide a menu that offers a variety of meals.

Membership

31 For the purposes of subsection 74(2) of the Act, a member of a sports facility is a person who has joined the facility to play a sport, and the membership fee charged therefor must reasonably reflect the cost of joining and utilizing the sports facility.

Guests

32 A member of a sports facility may be accompanied by guests in the licensed area of the facility, and the licensee may serve liquor to the member and the guests.

Issue of licence

33 For the purposes of subsection 74(1) of the Act, a sports facility licence may be issued to

(a) the proprietor or operator of a lodge for which a permit under *The Resource Tourism Operators Act* has been issued; and

(b) the proprietor or operator of a facility used primarily for members and their guests to participate in an athletic or recreational activity, or a combination of activities, that are approved by the commission.

M.R. 8/95; 106/96; 158/2004

PART 7

SPECTATOR ACTIVITIES LICENCES

Spectator activities licence

34(1) For the purposes of subsection 75(1) of the Act, the commission may issue a spectator activities licence to

(a) a municipality, university, community college, or non-profit corporation, or a provincial or municipal corporation, board, commission or body for a building or a group of buildings where performances, exhibitions, conventions or events are held that promote tourism, culture, sports, recreation or education in Manitoba; or

(b) an adult, partnership or corporation that may be issued a licence under section 61 of the Act for a building or group of buildings that provide fixed seating for patrons, the primary purpose of which is the holding of theatrical, musical, or spectator sports events that promote tourism, culture, sports or recreation in Manitoba.

34(2) Unless otherwise authorized by the commission, events in the building or buildings licensed under clause 1(b) are limited to those for which the primary purpose was intended.

34(3) With the prior written approval of the commission, a spectator sports event under this Part may include an event broadcast by closed circuit television.

M.R. 102/97

Movie theatre complex

34.1(1) A spectator activities licence may be issued to the proprietor or operator of a movie theatre complex if

(a) the complex contains at least two theatres; and

(b) there are at least 75 permanent seats in each theatre in the complex.

34.1(2) The licensed portion of a movie theatre complex must not include more than 50% of the theatres in the complex.

34.1(3) The holder of a spectator activities licence for a movie theatre complex must ensure that

(a) patrons attending a theatre that is located in the unlicensed portion of the complex cannot gain access to the licensed portion of the complex; and

(b) patrons attending a theatre located in the licensed portion of the complex cannot take liquor to an unlicensed portion of the complex.

M.R. 5/2012

PART 8

PRIVATE CLUB LICENCES

Veterans associations

35 A private club licence may be issued to any unit or branch of a veterans association that qualifies for a private club licence.

36 Repealed.

M.R. 134/2001

Non-proprietary club

37 The commission shall not issue a private club licence to a club unless it is a corporation without share capital and is not a proprietary club operated for profit.

Liquor service on Sunday at non-athletic, non-sports club

38(1) For the purposes of clause 76(10)(b) of the Act, the licensee of a private club that is not an athletic or sports club and that only serves liquor with meals after 2:00 a.m. on Sunday shall have kitchen facilities on the premises that

(a) meet all applicable provincial and municipal health and safety standards; and

(b) are sufficiently equipped to prepare the meals offered on the menu.

38(2) Unless otherwise authorized by the commission, a private club that is not an athletic or sports club and that only serves liquor with meals after 2:00 a.m. on Sunday must use a billing system that separately records purchases of food and liquor on all bills given to a customer on Sunday after 2:00 a.m.

38(3) Repealed, M.R. 134/2001.

M.R. 134/2001

Membership

39(1) For the purposes of section 76 of the Act, active or regular members of a sporting or social club must be members who, besides enjoying full privileges of the club, have full voting power including a vote on financial matters and the election of officers.

39(2) Except in the case of veterans' associations, where the by-laws of a licensed private club provide for limited members such as passive, out of town, associate, clubhouse, or any other type of member who does not qualify as an active or regular member, the total number of such members must not exceed 50% of the number of active or regular members.

39(3) The amount of the fee charged for membership in a licensed private club must reasonably reflect the cost of joining and using the private club.

39(4) A private club licensee shall not sell memberships at the door of the club but may accept applications for membership at the door which are to be considered at a future meeting of the board of directors of the club.

M.R. 19/2001

Food service
40 Food service must be available at a licensed club to all members and their guests who request it during all hours when the club is open for the service of liquor.

PART 9

TRANSPORTATION LICENCES

Food service
41 A transportation licensee shall provide food service under a transportation licence to all passengers who request it during the hours when liquor is being sold and served under the licence.

Liquor service
42 Liquor service may be provided by a transportation licensee where the licensee has staff working to sell and serve the liquor and any food that may be requested while passengers are being carried.

Maximum capacity
43 The maximum capacity for a transportation licence shall be in accordance with the capacity determined by the department responsible for the relevant mode of transportation.

Hospitality room
44 A transportation licence issued to an air carrier also authorizes the service of liquor in a hospitality room that has been approved by the commission and that is operated by the air carrier at an international airport.

PART 9.1

BREW PUB LICENCES

Definitions
44.0.1 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.

M.R. 164/2011

Federal licensing requirements
44.0.2 The holder of a brew pub licence must be licensed as a brewer by the Government of Canada.

M.R. 164/2011

Production requirements
44.0.3(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.

44.0.3(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.

44.0.3(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.

M.R. 164/2011

Sampling
44.0.4(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).

44.0.4(2) A patron may be provided with a 113.6 ml (4 ounces) sample of each beer produced at the subject premises.

M.R. 164/2011

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

M.R. 164/2011

Off-premises sale requirements
44.0.6 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.

M.R. 164/2011

Gifts and sampling

44.0.7(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.

44.0.7(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.

44.0.7(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.

44.0.7(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.

44.0.7(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.

M.R. 164/2011

Records

44.0.8(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.

44.0.8(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.

M.R. 164/2011

PART 10

RETAIL LICENCES

Room requirements — number and size

44.1(1) The commission may issue a new retail beer vendor licence to an applicant only if the associated hotel operated by the applicant contains

(a) at least 40 guest rooms, with each room containing a minimum of 60.96 square metres (200 square feet) 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 50.3 square metres (165 square feet) 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 50.3 square metres (165 square feet) 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; and

(d) at least 4 guest rooms, with each room containing a minimum of 50.3 square metres (165 square feet) of living space, excluding the bathroom, if the hotel is located in a municipality with a population of less than 2,500, or in unorganized territory or unorganized territory in Northern Manitoba, as those terms are defined in *The Municipal Act*.

44.1(2) The commission may exempt an applicant from the requirements of subsection (1).

M.R. 164/2002

Room requirements

44.2(1) A retail beer vendor licensee shall ensure that all guest rooms in the associated hotel are adequately furnished, equipped and maintained in order to be suitable for renting to the general public.

44.2(2) A retail beer vendor licensee shall ensure that guest rooms in the associated hotel are available for rent to the general public.

M.R. 164/2002

Beer vendor

45(1) Every beer vendor holding a retail licence shall have available and offer for sale, from refrigerated stocks, beer in the container and package sizes as sold by the commission.

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.

M.R. 164/2011

Notice to be posted
46 A beer vendor licensee shall post a notice that includes package sizes available, the price charged for each package size and the amount of the refundable deposit, if any, charged to customers.

Return of empty bottles and cans
47 Unless otherwise authorized by the commission, no beer vendor licensee shall refuse to accept empty beer bottles or beer cans from products purchased in Manitoba on which a refundable deposit has been paid.

Storage of empty bottles and cans
48 Unless otherwise authorized by the commission, a beer vendor licensee shall provide adequate storage space for empty beer bottles or cans.

Sacramental wine vendor
49 A licensed sacramental wine vendor shall not sell, deliver or ship sacramental wine to a person unless the person has given to the licensee a written order signed by the person purchasing the wine that is dated and states the kind and quantity of wine ordered and the address of the person purchasing the wine.

PART 11

REPEAL

Repeal
50 Manitoba Regulation 47/94 is repealed.

September 15, 1994 THE LIQUOR CONTROL COMMISSION:

Grant Holmes
Chairperson