

# LIQUOR LICENSEE POLICY MANUAL



Liquor and Gaming  
Authority of Manitoba

[www.LGManitoba.ca](http://www.LGManitoba.ca)

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## INTRODUCTION

### ABOUT THE LGA

The Liquor and Gaming Authority of Manitoba (LGA) is created by *The Liquor and Gaming Control Act* (the Act). The Act and associated regulations establish and empower the LGA to regulate liquor and gaming in Manitoba. As part of this role, the LGA develops terms and conditions with respect to liquor and gaming licensing and social occasion permits.

### LIQUOR LICENCES, ENDORSEMENTS AND AUTHORIZATIONS

The operation of a licensed premises is governed by the Act, associated regulations, and the terms and conditions set on each licence by the LGA.

Licensees receiving a specific endorsement or authorization may receive additional terms and conditions related to the endorsement or authorization, with which they must also comply.

### ENDORSEMENTS

Endorsements are not liquor licences but are an addition to an existing licence and may be requested from the LGA. A liquor service licensee may be authorized to hold a brew pub endorsement or the holder of a manufacturer's licence may be authorized to retail liquor through a retail endorsement.

### AUTHORIZATIONS

If the terms and conditions state that a licensee is authorized to do certain things, the licensee is not required to make a request. If the terms and conditions require a licensee to make a request to the LGA, the licensee must receive authorization from the LGA before making the requested change. Commencing action before receiving authorization may result in a breach of the terms and conditions of a licence.

### GAMING LICENSING

The LGA issues two classes of gaming licences that may be relevant to liquor licensees:

- Lottery Ticket Retailer (LTR) Licence – authorizes a licensee to sell lottery tickets.
- VLT Siteholder Licence – authorizes a licensee to have video lottery terminals (VLTs) in premises approved by Manitoba Liquor and Lotteries Corporation (MLLC).

Brief information about these licences as well as the types of gaming most relevant to liquor licensees is included as Appendix A to this policy manual. Additional information can be found on the LGA website. Terms and conditions will be issued with these licences.

## **HOW TO USE THIS POLICY MANUAL**

This policy manual is intended to provide licensees and their employees with policies related to the terms and conditions of their licence in order to assist licensees in complying with terms and conditions. The LGA recommends reading this policy manual alongside the terms and conditions.

## **DISCLAIMER**

Specific terms and conditions are included in this policy manual to provide context to the policies. This manual does not contain a complete set of all terms and conditions. Licensees are responsible to ensure they and their staff are familiar with and comply with the law, terms and conditions of the licence, and all policies set out in this manual.

Licensees are required to comply with the terms and conditions or requirements under which their premises was licensed. Those terms and conditions/requirements are ongoing and must continue to be met as a condition of licence unless they have been changed by the LGA. In addition, licensees are responsible for terms and conditions for the specific type of licence held.

All applicable zoning, building code, health, or fire, etc., requirements/regulations must also be complied with. It is the responsibility of licensees to continue to work with those departments to ensure compliance.

## **CONTACT INFORMATION**

Website: [LGAmanitoba.ca](http://LGAmanitoba.ca)  
Email: [LiquorLicence@LGAmanitoba.ca](mailto:LiquorLicence@LGAmanitoba.ca)  
Fax: 204-453-5254  
Telephone: Winnipeg: 204-474-5619  
Toll-free in Manitoba: 1-888-898-6522

## SECTION 1 – THE LIQUOR LICENCE

### 1.1 POSTING THE LIQUOR LICENCE

- 1.1.1. The LGA will issue a liquor licence for each category of licence held by the premises.
- 1.1.2. Licences must be posted in a place where they can be readily viewed if necessary.
- 1.1.3. An inspector or member of a police service may request a licensee or staff member to produce the liquor licence for the premises therefore all staff must be made aware of where the licence(s) is posted.

### 1.2 CHANGE OF OWNERSHIP

- 1.2.1. The licensee must report all changes they can reasonably assume would be relevant to the LGA including:
  - a) any change of a licensee's name or address.
  - b) any proposed change in ownership in a licensee company prior to the change occurring including:
    - i) change of 10% or more of shares or any class of share for a corporation holding a liquor licence, or a corporation that controls the business of a corporation holding a licence;
    - ii) change in partnership holding a liquor licence – new partners or partners leaving;
    - iii) a person becomes entitled to profits from the licensed premises, or becomes liable for any obligations of the licensed premises; or
    - v) change of officers/directors in a licensee company.
- 1.2.2. Licences are not transferable and become void when ownership changes therefore a licensee must apply for a new licence if there is a 51% or greater change in ownership.
  - a) Terms and conditions state that no proprietary rights accrue with the licence which means rights or restrictions placed on an existing licence cannot be automatically transferred to the new licensee as part of a change of ownership. A licensee may have a patio, family friendly authorization etc. that the new licensee is not automatically eligible to receive and the new licensee must apply for it themselves.

### 1.3 LEASES, FRANCHISES AND MANAGEMENT AGREEMENTS

- 1.3.1. If a liquor service or retail beer vendor licensee lease premises, operates a franchise, or enters into a contract with a management company, the licensee cannot pay more than 20% of the profits from the sale of liquor in the premises to the landlord, franchisor or management company.
- 1.3.2. If the liquor service or retail beer vendor licensee enters into a combination of management, lease and/or franchise agreements, the licensee must still keep at least 80% of the profits from the sale of liquor.

- a) For the purposes of management, lease and franchise agreements, the term “profits” will be interpreted to mean gross profit (sales of liquor minus the cost to purchase the liquor).
- 1.3.3 Liquor service licensees may lease an area such as a dining room in a hotel to another individual or company provided the lessee has applied for and received its own liquor licence for the area.
- a) A licensee is still responsible to ensure the leased area complies with the terms and conditions of the licence.
  - b) A licensee cannot lease an area that is part of a licence such as the dining room area of a dining room/lounge licence. The entire licensed premises must be held by the same person/corporation.
- 1.3.4. A licensee must request approval from the LGA to enter into a management agreement with an individual or company to manage the operation of one of the areas on the condition they retain the required 80% of the profits from the sale of liquor.

## **1.4 REPORTING**

- 1.4.1. The LGA may request copies of any liquor related agreements/records such as:
- a) an agreement with a liquor manufacturer to exclusively sell a type of liquor product;
  - b) a promotional agreement with a liquor manufacturer or distributor; and
  - c) records such as a record of food purchases and sales.
- 1.4.2. A licensee must make sure that all agreements they enter with a liquor manufacturer or distributor are in writing.

## **1.5 ANNUAL FEES, LICENCE RENEWALS AND ANNUAL REVIEWS**

- 1.5.1. The LGA will issue liquor licences for a period of up to five years.
- 1.5.2. A renewal applications will be mailed to a licensee prior to the expiration of the liquor licence.
- a) The requested renewal information and required annual fees must be received before the licence expiry date.
- 1.5.3. For the years when a licence renewal is not required, the LGA will send a licensee an annual review form including an invoice for the annual fee payment, outlining current information on file and requiring the licensee to confirm/update the information.
- a) The required annual review information and annual fee must be received by the LGA prior to the stated deadline.

## **1.6 SEASONAL LICENCES**

- 1.6.1. The LGA will offer a seasonal licence to licensees whose entire licensed premises is operated for a period of eight consecutive months or less.
- 1.6.2. The seasonal licensee is required to pay 50% of the full licence fee.
- 1.6.3. The seasonal licensee must declare to the LGA the months the licensed premises operates and must notify the LGA of any significant change to these times.

- 1.6.4. All liquor licences at the premises are not active during the months the licensee declares the premises closed and the seasonal licensee must not serve liquor under any licence during the four-month time when the premises is closed.
- 1.6.5. A seasonal premises may be used for approved social occasion permits during the period when the premises is closed.



## SECTION 2 – MANAGEMENT AND CONTROL OF LICENSED PREMISES

### 2.1 CARE AND CONTROL OF PREMISES

- 2.1.1. A licensee is responsible to ensure management and all staff maintain suitable control of the licensed premises and any issues generated by the licensed premises so as not to negatively impact area residents. A licensee is responsible for control issues including violent incidents; repeat issues involving minors, intoxication, disorderly conduct, or noise; and issues that move from within the premises to areas such as a parking lot.
- 2.1.2. A licensee is responsible for the conduct of all staff of the licensed premises. This includes anyone involved in the sale or service of liquor or security personnel, whether employed or contracted by a licensee.
- 2.1.3. A licensee cannot allow a person to enter or remain in a licensed premises who is in possession of a knife, firearm, or other weapon without lawful excuse.
  - a) Section 31(3) of *The Liquor and Gaming Control Act* states a knife does not include cutlery provided by a licensee as part of food service.
  - b) Lawful excuse refers to having a legal reason to possess something that may be deemed to be a weapon, such as law enforcement carrying a gun, and does not refer to a patron carrying a weapon for self-protection.
- 2.1.4. In order to comply with terms and conditions related to proper control of the premises and responsible service of liquor:
  - a) any person involved in the management, sale, service, or security in the licensed premises must not consume liquor during the hours they are on duty; and
  - b) only an on-duty employee of a licensee can sell or serve liquor in a liquor service premises unless authorized by the LGA.

### 2.2 HOUSE RULES

- 2.2.1. A licensee can make house rules for their premises provided the rules are consistent with or exceed the standards outlined in the Act, associated regulations and terms and conditions.

### 2.3 COMPLIANCE BY LICENSEES

- 2.3.1. A licensee is required to comply with:
  - a) *The Liquor and Gaming Control Act*, and regulations;
  - b) terms and conditions established by the LGA including general liquor service, general retail or manufacturing terms and conditions as well as terms and conditions specific to the classification of licence or endorsement held;
  - c) requirements and conditions under which a premises was licensed or which have been subsequently placed on the premises;
  - d) any relevant policies set out in this manual;
  - e) applicable zoning, building code, health, and fire code regulations/requirements, and

f) other laws related to the operation of a licensed establishment.

2.3.2. A licensee is responsible for ensuring that all staff members are properly trained and comply with the laws and terms and conditions under which the premises was licensed. A licensee is responsible for any breaches, whether directly by the licensee, or by their staff.

### **2.3.3. Inspector Access to Premises**

- a) A licensee must allow inspectors and members of a police service to enter the premises at all times and allow inspectors to:
  - i) conduct inspections of licensed premises and permitted activities to ensure compliance with the Act, regulations and terms and conditions;
  - ii) observe the general operation of the premises with regard to the safety of patrons/staff, social responsibility, and the integrity of any licensed gaming activity; and
  - iii) visit licensed premises to review any records the licensee is required to retain. These may include monthly records of all liquor purchases and sales retained by a licensee, as well as food purchases and sales for a dining room licensee.
- b) The frequency of LGA inspections vary based on risk factors set out in the LGA's risk-based model of inspection. For more information see Appendix B, Risk Based Frequency of Inspections Model.

### **2.3.4. Inspection Process**

- a) The LGA uses formal and informal education and consultation as a proactive approach to helping a licensee understand and comply with the Act, regulations, and terms and conditions.
- b) Inspectors provide training sessions to managers, serving staff and security staff on additional topics such as checking identification, capacity and handling intoxicated patrons. This training is provided at no charge and can be scheduled at the convenience of a licensee.
- c) Inspectors will conduct inspections at any time of the day or night with or without prior notice. All inspectors carry a badge and photo identification to confirm their status and identity. A licensee and their staff may request that inspectors show their badge and/or photo identification prior to admitting them into the premises.

## **2.4 BREACHES**

2.4.1. Inspectors that identify a compliance issue during an inspection will provide a licensee or manager on duty with a Compliance Services Advisory indicating a breach is alleged. The Compliance Services Advisory is an advisory only and the LGA will initiate additional contact, if required. Further details regarding the Compliance Services Advisory appear on the back of the form.

2.4.2. The LGA uses a progressive discipline model to deal with compliance issues.

- 2.4.3. Dependent on the seriousness of the infraction(s) and previous record, a compliance issue may be addressed in the following manner:
- a) Caution: Only the Compliance Services Advisory is issued and no further action is taken.
  - b) Written warning: An inspection report is prepared outlining compliance issues noted by the inspector. A warning letter is sent to the licensee along with the inspection report. The infraction will be added to the licensee's Record of Operation.
  - c) Meeting with management: An inspection report is prepared. The licensee/management of the premises will be required to meet with the Manager of Compliance to discuss the breach and develop a compliance plan. The infraction will be added to the licensee's record of operation.
  - d) Referral to the executive director: An inspection report is prepared. The executive director will review the report and decide if conditions or sanctions should be ordered. The executive director may order additional specific terms or conditions be placed on the licence, a fine and/or suspension, or the cancellation of the licence.
- 2.4.4. The record of operation providing a history of compliance issues at the licensed premises for the previous five years is used for two purposes:
- a) to determine which of the four courses of action will be taken to address future disciplinary matters; and
  - b) to be used by the executive director when considering any breaches sent to him/her for disciplinary review.
- 2.4.5. Inspectors and members of a police service may also issue provincial offence notices to individuals who are in breach of the law.

## **2.5 LAST DRINK PROGRAM**

The program, initiated by the LGA, is designed to enhance public safety, reduce over-service and impaired driving, and provide awareness and educational opportunities for a licensee.

- 2.5.1. Members of a police service record where an impaired driver states they consumed their last drink. The LGA is provided with certain basic information regarding an incident from the police service, including the date of the incident, age and gender of the impaired driver, and reported location of the person's last drink.
- 2.5.2. The inspector will follow up with the licensed premises to ensure the licensee and staff know what procedures they should be following when dealing with an impaired person and offer training regarding preventing impaired driving.

## **2.6 RESPONSIBLE SALE AND SERVICE TRAINING**

- 2.6.1. A licensee must ensure that all persons involved in the retail sale of liquor and all persons employed in the sale and service of liquor and security at a liquor service premises hold a certificate in an LGA-approved responsible service training course prior to working in the premises.
- 2.6.2. A licensee and all staff must be able to provide to an inspector proof of responsible service training upon request.

## **2.7 ADDITIONAL TRAINING AND SIGNAGE**

- 2.7.1. The LGA provides additional staff training to assist a licensee with any social responsibility issues they may have. A licensee is encouraged to contact the LGA for social responsibility materials which can be posted in the premises.

## **2.8 RESPONSIBLE ADVERTISING**

- 2.8.1. All liquor advertising must adhere to the letter and spirit of the Canadian Code of Advertising Standards, which sets the principles for acceptable advertising in Canada.
- 2.8.2. A licensee must include a message about responsible alcohol consumption in all liquor advertising, marketing and promotional materials. The phrase must be clearly visible or clearly audible to the audience.
- 2.8.3. A licensee may use the phrase 'Please drink responsibly' for this purpose. If a licensee wishes to use an alternative phrase the licensee must receive approval for the phrase from the LGA prior to the advertising being made public.
- 2.8.4. For best practices for liquor advertising see the LGA's website at [LGAmanitoba.ca](http://LGAmanitoba.ca).

## **2.9 PUBLIC SERVICE NOTICES**

- 2.9.1. The LGA may require licensees to post public service notices on topics such as responsible liquor consumption, the dangers of drinking and driving, or information on human trafficking, domestic violence or other matters of public concern.
  - a) All required notices will be provided by the LGA.
  - b) A licensee must post required notices in a place visible to those attending the premises.

## SECTION 3 – THE LICENSED PREMISES

### 3.1 CAPACITY

- 3.1.1. The LGA will establish the maximum capacity of all areas of a liquor service licence.
- 3.1.2. Capacity is generally determined based on the following:
  - a) 1.1148 square meters (12 square feet) per person of usable space for patrons. i.e. 120 sq. ft. /12 = 10 patron capacity).
  - b) Any area occupied by games or stage, or any area not available to patrons, will be deducted from the total square footage.
  - c) The capacity may be further restricted by LGA policy or by regulations/requirements of zoning, building code, health, or fire, etc., in which case the lower figure will apply.
- 3.1.3. The LGA will issue a capacity sign indicating the maximum number of patrons allowed in the licensed premises/area at one time. Multiple capacity signs may be issued for premises with more than one licensed area.
- 3.1.4. A licensee must post the capacity sign in or near the area/room the capacity sign refers to.
- 3.1.5. A licensee must ensure proper controls are implemented to ensure that the maximum capacity is not exceeded.
  - a) A licensee is responsible to:
    - i) control patrons at entrances and the flow of patrons between licensed areas; and
    - ii) conduct regular counts of the number of patrons in the licensed areas.
- 3.1.6. A licensee is responsible to take immediate measures to correct the situation if the maximum capacity is exceeded.
- 3.1.7. A licensee must notify the LGA of any planned structural alterations or size reductions/enlargements that will result in a change to the licensed premises and may affect capacity of the premises prior to making the change.

### 3.2 WASHROOMS

- 3.2.1. Washrooms must be located in such a way that a minor authorized to be in the premises can access the washroom without entering an age-restricted area.
- 3.2.2. A licensee can allow patrons to carry their drinks to the washroom if the washrooms are located within or adjacent to licensed premises. This is a safety measure to help ensure a drink is not tampered with while left unattended. A licensee must ensure patrons do not consume in unlicensed areas.

### 3.3 PATIO AREAS

- 3.3.1. The LGA must approve the addition of a patio area, generally defined as an outdoor seasonal area located adjacent to an indoor licensed area operating on property owned or leased by the licensee.

- 3.3.2. A licensee operating a patio must comply with general patio terms and conditions and premises specific patio terms and conditions. Generally, patios:
- a) must be suitably defined so as to control patron entry and exit.
  - b) may be open air, may have a roof, may be screened, or may be heated. If the patio is to be used for smoking, other restrictions may apply and a licensee must contact their local health authority for guidance.
  - c) may be used year round provided that:
    - i) any lease for the patio area does not prohibit use on a year-round basis;
    - ii) approvals are given by other government and municipal departments for use of the area on a year-round basis; and
    - iii) any conditions that apply to the patio, apply year round such as restricted hours, capacities, etc.
- 3.3.3. Plans for the proposed patio must be approved by all applicable provincial and municipal departments prior to approval by the LGA.
- 3.3.4. A licensee may be required to post and maintain a public notice poster on the property for 14 consecutive days. All objections will be reviewed by the LGA and may result in restrictions being placed on the patio or the patio not being approved.
- 3.3.5. If the LGA receives noise complaints once the patio is approved, approval may be withdrawn or additional conditions such as restricted service or vacating hours may be imposed to prevent noise nuisance to nearby residents and the public. Further restrictions may be placed on the patio area by other municipal departments.

### **3.4 TEMPORARY OUTDOOR AREAS**

- 3.4.1. A licensee may apply to temporarily extend their indoor licence to an outdoor area for a significant event such as a street festival.
- 3.4.2. Approval may be given for a temporary extension of a licence to an outdoor area adjacent to the indoor licensed area for an event subject to the following:
- a) all municipal requirements/regulations must be complied with such as zoning, building code, health or fire and any applicable approves secured such as a special event permit.
  - b) all conditions of the existing liquor licence must be complied with.
  - c) additional conditions may be placed on the area which could include:
    - i) fencing of the outdoor area to prevent entrance except through controlled gates.
    - ii) security and serving personnel to control and service the area properly.
    - iii) hours of entertainment and service to ensure the extension does not disturb the public tranquillity.

### **3.5 SOCIAL OCCASION PERMIT EVENTS IN LICENSED PREMISES**

- 3.5.1. The LGA allows a social occasion permit holder to hold an event under a permit in a licensed premises.

- 3.5.2. The terms and conditions that apply to the permit take precedence over a licensee's terms and conditions during the hours of the permit. The terms and conditions of the licence, such as vacating, are again in affect after the permit expires.
- 3.5.3. The permit holder is responsible to comply with the terms and conditions of the permit but a licensee must ensure that:
- a) no liquor is provided by the licensee as all liquor sold and served at the permit event must be brought in to the premises by the permittee; and
  - b) permit liquor provided by the permittee must be kept separate from the licensee's liquor.

### 3.6 RENOVATIONS TO LICENSED PREMISES

- 3.6.1. A licensee must report to the LGA any major renovations or structural changes such as additions, patios, etc. prior to commencing the renovation to ensure their proposal complies with the Act and regulations.

### 3.7 LICENSED PREMISES IN HOTELS

The law defines a hotel as “commercial premises with individual guest rooms that provide short-term sleeping accommodation to the public, and includes premises known as motor hotels, motels, inns, lodges or resorts”.

#### 3.7.1 Required Hotel Guest Rooms

- a) For a premises to be considered to be a hotel for the purpose of holding a retail beer vendor licence or a beverage room licence the operator of the hotel must maintain the required number and size of rentable hotel rooms the premises was required to have to be licensed. Regulations set the required room numbers as follows:

<b>Hotel Location</b>	<b>Minimum number of required rooms and size (excluding bathroom)</b>
Hotels in Winnipeg or Brandon	At least 40 guest rooms, each with a minimum of 18.6 m <sup>2</sup> of living space (200.2 ft <sup>2</sup> )
Hotel in a municipality with a population of 8,000 or more	At least 20 guest rooms, each with a minimum of 15.3 m <sup>2</sup> of living space (164.7 ft <sup>2</sup> )
Hotel in a municipality with a population of 2,500 to 8,000	At least 10 guest rooms, each with a minimum of 15.3 m <sup>2</sup> of living space;
Hotel in a municipality with a population of less than 2,500, or in any part of Manitoba not located in a municipality	At least 4 guest rooms, each with a minimum of 15.3 m <sup>2</sup> of living space,

- b) There are no room requirements for any other licence type located in a hotel other than the retail beer vendor and beverage room.
- c) A licensee may not reduce the number or size of rentable guest rooms beneath the minimum required for the location/municipality where the hotel is located, or make the room not rentable for sleeping by removing beds, etc. without authorization of the LGA.

### 3.7.2. Liquor Service to Hotel Guest Rooms and Recreation Areas

- a) A licensee holding a dining room licence in a hotel, or a customer/member service licence for hotels without a dining room, may provide service of liquor to a registered hotel guest and their guests for consumption in designated areas of the hotel according to their terms and conditions which state:
  - i) service to guests in the hotel rooms may be provided by self-serve units/mini bars and room service and may be by the glass/container or by the bottle.
  - ii) service to guests in an LGA approved recreation area of the hotel such as games room, pool area, or spa may be by the glass/container only. A licensee must not provide bottle service to the hotel guest for consumption in areas such as game rooms or pool areas.
- b) A licensee providing service to guest rooms and recreation areas must comply with all terms and conditions including:
  - i) the liquor must be delivered to the registered guest's room or to the recreation area by either the licensee or their employee who is 18 years of age or over.
  - ii) a licensee or their employees must ensure that the customer is 18 years of age or over, not intoxicated, and a guest in the hotel.
  - iii) a sign or tent card must be posted in the guest room stating that persons under 18 years of age are prohibited from purchasing liquor from self-serve units/mini bars.
  - iv) food service must be available to guest rooms/recreation areas during the time liquor service is available and food and liquor menus must be available to guests showing all prices related to the purchase of liquor and food, and the hours and days of sale.
  - v) minimum pricing for liquor must be followed.
  - vi) sale and service of liquor to hotel guest rooms or the recreation area may only be provided during the legislated hours of liquor service of the licensed premises.

### 3.7.3. VIP Lounges

- a) A licensee holding a dining room licence in a hotel or a customer/member service licence for hotels without a dining room must apply to the LGA for authorization to allow for self-service of liquor in an approved VIP lounge based on a premium service package.
  - i) A licensee with approval for a VIP lounge must restrict access based on the premium service packages.
  - ii) A licensee is responsible for monitoring the area to ensure compliance with the Act, regulations and terms and conditions.



#### **3.7.4. Hospitality Rooms**

- a) A licensee may allow registered guests to provide their own liquor to a hospitality room in a hotel as the hospitality room is considered to be an extension of the guest's hotel room.
- b) If the person wishing to reserve the hospitality room is not a guest of the hotel, the LGA requires the liquor be provided under one of the hotel's liquor service licences or under a social occasion permit.

#### **3.7.5. Multiple Licensed Areas and Hotels**

- a) A licensee may allow a patron to carry liquor from one liquor service area to another area such as from a dining room area to the lounge area of a dining room/lounge licence, or in a hotel from one liquor service area to another liquor service area; or a liquor service area to a patron's guest room. Terms and conditions state:
  - i) the licensed areas must be in the same building.
  - ii) a licensee must:
    - hold the licence for each of the licensed areas a patron is carrying liquor to and from;
    - ensure the patron goes directly to the other licensed area or their hotel room;
    - ensure the patron does not give the liquor to another person;
    - ensure the patron does not carry the liquor through public areas such as a parking lot, parkade or covered or open walkway;
    - ensure the patron does not consume the liquor in unlicensed areas; and
    - ensure the patron does not bring liquor from the patron's guest room to a licensed area.

## SECTION 4 – LIQUOR SALE AND SERVICE

### 4.1 MINORS

- 4.1.1. It is an offence for a licensee to provide liquor to a person under the age of 18 years or to allow a person under the age of 18 years to be involved in the sale or service liquor in a licensed premises unless authorized in law or the terms and conditions.
- 4.1.2. Laws around allowing minors to enter a licensed premises vary based on the type of liquor licence held and minors are addressed in each licence classification's specific terms and conditions.
- 4.1.3. The term age-restricted is often used when referring to licensed premises. Legislation states that an age-restricted premises means "a premises that minors are generally prohibited from entering". Therefore, the terms and conditions state under which licences a minor is allowed to enter an age-restricted premises and places any restrictions around minors in age-restricted premises depending on the type of licence held.
  - a) minors may be prohibited from entering the licensed premises; or
  - b) minors may be allowed to enter the premises under certain conditions such as:
    - i) when accompanied by an adult (18 years of age or older) parent, spouse, common-law partner, or guardian; or
    - ii) if authorized to work in the age-restricted premises.
- 4.1.4. If the premises is not age-restricted, minors may enter the premises without an adult parent, spouse, common-law partner, or guardian but a licensee may develop house rules restricting minors. Section 2.2 provides further information on house rules.
- 4.1.5. If the premises is not age-restricted, minors may be employed in the licensed premises but may not be involved in the sale or service of liquor, security, or checking identification.
- 4.1.6. Under some licence types a minor may be allowed to consume liquor with a meal if the liquor was purchased by the adult parent, spouse, common-law partner or guardian and if the minor is accompanied by their adult parent, spouse, common-law partner or guardian.
- 4.1.7. In order for a licensee to ensure they are prohibiting minors from entering an age-restricted premises, selling liquor to a minor, or allowing a minor to consume liquor when not lawfully allowed, a licensee is responsible to determine the age of the patron by checking identification.

### 4.2 CHECKING IDENTIFICATION

- 4.2.1. A licensee must ensure staff request proof of age identification each time a person who appears to be a minor tries to enter an age-restricted area and before the person is served liquor. It is suggested that all persons who look to be a minor be asked for proof of age identification to ensure no minors are served or allowed to purchase liquor.

- 4.2.2. A licensee must request the required identification 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 a licensed premises when not otherwise permitted to do so under the Act.
- 4.2.3. A licensee must only accept legally valid identification as proof of age. Legally valid identification for the purpose of checking age is:
- a) passport from Canada or other country;
  - b) driver's licence from any province or state or country;
  - c) identification card issued by Manitoba Public Insurance;
  - d) Secure Certificate of Indian Status issued by the government of Canada; or
  - e) Two valid pieces of government-issued identification belonging to that person, with at least one piece of identification containing a photograph of that person.
- 4.2.4. Identification that has expired cannot be considered to be valid.
- 4.2.5. If the person who is required to produce identification refuses or is unable to produce the required identification, a 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.
- 4.2.6. A licensee can ask a person to present additional identification if the authenticity of the identification is in question.
- 4.2.7. A licensee must refuse the person entry to an age-restricted premises, or service if minors are allowed in the premises, if there is still a question regarding the validity of the identification.

### **4.3 INTOXICATED PATRONS**

- 4.3.1. A licensee is responsible to make sure that any patron who is or appears to be intoxicated in a licensed premises is refused liquor service. Sale or service of liquor to a person who is or appears to be intoxicated is a serious offence.
- 4.3.2. A person who is or appears to be intoxicated must not be permitted to remain in possession of liquor but may be allowed to remain in the premises.
- 4.3.3. A licensee must ensure that an intoxicated patron does not possess or obtain liquor in the licensed premises by any means.

### **4.4 HOURS OF LIQUOR SALE AND SERVICE**

- 4.4.1. A licensee can only sell and serve liquor during the maximum hours stated in their terms and conditions but can choose to operate with reduced hours.
- 4.4.2. The maximum hours of operation for a licensed premises or patio may be further restricted by the LGA.

4.4.3. Hours of operation for the production of liquor under a manufacturer's licence are subject to the hours set by the municipality where the premises is located.

4.4.4. The LGA has set the maximum hours for a tasting room in a manufacturing premises licensed under the Unique Hospitality Venue (UHV) licence.

Maximum hours of sale and service for each class and category of licence are stated in the terms and conditions and summarized below:

Categories of Licence	Maximum Hours of Sale and Service	Remembrance Day Hours
<b>Serving Liquor</b>		
All liquor service licences except those shown below	9:00 a.m. to 2:00 a.m.	Veterans Organizations 12:00 noon to 2:00 a.m. Other Liquor Service 1:00 p.m. to 2:00 a.m.
• Unique Hospitality Venue Licence	As set out in terms and conditions	1:00 p.m. to closing time set out in specific terms and conditions.
• UHV - Tasting Room (manufacturers)	9:00 a.m. to 9:00 p.m.	1:00 p.m. to 9:00 p.m.
<b>Retailing Liquor</b>		
Liquor Stores (Liquor Marts and liquor vendors)	8:00 a.m. to 12:00 midnight	1:00 p.m. to 12:00 midnight
Specialty Wine Stores	8:00 a.m. to 12:00 midnight	1:00 p.m. to 12:00 midnight
Retail Endorsement (manufacturers)	8:00 a.m. to 12:00 midnight	1:00 p.m. to 12:00 midnight
Brew Pub Endorsement	Same hours as associated liquor service licence	Same hours as associated liquor service licence
Retail Beer Vendors	8:00 a.m. to 2:30 a.m.	1:00 p.m. to 2:30 a.m.

Note: Customer/member service and entertainment venue liquor service licences may also have varied service hours as set out in their terms and conditions.

#### 4.4.5. Extension of Hours for New Year's Eve

- a) The LGA authorizes liquor service licensees that offers food to patrons to remain open and serve liquor until 3:00 a.m. on New Year's Eve.
  - i) Snack foods including nuts, chips, or pretzels are not sufficient to meet the New Year's Eve food requirements.
- b) Retail premises, including retail beer vendors and retail endorsements, are not subject to the authorized extension of hours for New Year's Eve and are required to close at 2:30 a.m.

#### 4.4.6. Daylight Savings Time

On the second Sunday in March clocks move forward one hour at 2:00 a.m., and on the first Sunday in November clocks are turned back one hour at 2:00 a.m.

- a) On the night of the time change, licensees and permittees must operate according to the hours in effect at the start of the Saturday business day.
  - i) A licensee must wait to change the clocks (forward or back) until after the liquor service hours have ended for that business day.

- ii) Licensees and permittees are not permitted an additional hour for liquor sales and service.

#### **4.4.7. Extension of Hours for Significant Events**

- a) A licensee cannot extend their hours of operation for significant events of community, municipal, provincial or national importance unless authorized by the LGA.
- b) The LGA will authorize a temporary extension to the hours of operation as follows:
  - i) The LGA will post on the LGA website any blanket authorizations to extend hours being granted by the LGA for significant provincial or national events. i.e. Grey Cup.
  - ii) A licensee must make a written request to the LGA to apply for temporary extended hours for a significant event in their community as follows:
    - The LGA will require a recommendation from the local municipality stating the event is of local significance prior to the LGA issuing extended hours.
    - The local authority, i.e., municipal council or community committee, must have advised by resolution that the event is of local significance, and the local authority recommends the extended hours of operation for licensed premises in the municipality. This resolution is not the same as the one required for community event social occasion permits.

#### **4.5 CLEARING OF LIQUOR**

4.5.1. All liquor service licences have clearing requirements. A licensee must:

- a) remove and destroy all patrons' unconsumed liquor as soon as patrons leave the premises, and
- b) clear the tables and destroy unconsumed liquor no later than 60 minutes after the time liquor service is required to cease.

#### **4.6 VACATING**

There are legal vacating requirements for the lounge area of a dining room/lounge licence, beverage rooms and entertainment venues providing daily live entertainment.

- 4.6.1. A licensee holding one of these three types of licences must ensure that all patrons leave the licensed area within 60 minutes after the time when liquor service is required to cease.
- 4.6.2. On-duty staff and management may remain in the licensed area to close up.
- 4.6.3. A licensee holding a dining room/lounge, beverage room or entertainment venue – live entertainment must not allow patrons to re-enter the premises until liquor service may lawfully commence (9:00 a.m.) without authorization of the LGA.
- 4.6.4. For all other classes of liquor service licences, patrons are allowed to remain in the premises after liquor service is required to cease but a licensee may not serve patrons liquor.
- 4.6.5. There are no vacating requirements for retail liquor premises.

#### **4.6.6. Early Use of Liquor Service Premises**

- a) Holders of a dining room/lounge or beverage room must request an authorization from the LGA if they wish to use the premises prior to 9:00 a.m.
- b) A licensee may use their premises prior to 9:00 a.m. only for the purpose set out in the authorization. For example, the authorization may allow a licensee to admit patrons, including minors, into the premises during the time set in the authorization. A licensee could then use their premises for breakfasts or for other authorized purposes.
- c) The authorization will include the following:
  - i) no sale of liquor prior to 9:00 a.m. will be authorized.
  - ii) after 9:00 a.m. the premises will operate again under the terms and conditions of the licence and a licensee is responsible to ensure compliance with the terms and conditions regarding minors.
  - iii) during early use of a liquor service premises minors may not see the VLT machines and only age-appropriate advertising, décor and entertainment are permitted. This includes advertising and posters for things such as VLT's, gaming, and adult entertainment.

#### **4.7 SALE AND GIFTING OF LIQUOR**

- 4.7.1. A liquor service licensee is only authorized to sell liquor they have purchased directly from MLLC or from retail premises.
- 4.7.2. A liquor service licensee cannot bring liquor directly from another province or country for sale in the licensed premises, nor can they sell homemade liquor product unless authorized by the LGA.
- 4.7.3. A licensee can only donate liquor purchased from MLLC or retail premises:
  - a) to a charitable organization to enable the organization to sell or auction it under authority of a special sale permit issued by the LGA;
  - b) to the organizer of a charitable fundraiser for consumption at the event; or
  - c) for use as a prize in a gaming event.
- 4.7.5. A liquor service licensee may buy a customer a drink. The licensee must be able to produce a record of this sale.
- 4.7.6. A licensee cannot provide free drinks or tickets/gift cards for free drinks. For further information on customer promotions see section 4.14.

#### **4.8 SAMPLING**

The *Liquor Licensing Regulation* authorizes sampling of liquor product only in licensed premises according to the terms and conditions established by the LGA.

- 4.8.1. Only a liquor manufacturer or an agent, employee or representative or a liquor manufacturer or liquor distributor are authorized to provide a free sample of liquor.
- 4.8.2. Sampling must be conducted in a socially responsible manner.

- 4.8.3. To ensure socially responsible service, terms and conditions related to serving liquor also apply to sampling. These include:
  - a) restricting those providing samples from consuming and requiring those providing samples to be of legal age;
  - b) restricting providing samples of liquor to minors and intoxicated persons; and
  - c) requiring a licensee to ensure patrons do not remove samples of liquor served to them from the premises.
- 4.8.4. If a liquor manufacturer or liquor distributor is conducting sampling to a licensee and staff for training or informational purposes, the sampling must be done out of public view.
- 4.8.5. Maximum serving sizes as follows:
  - a) wine, 60 ml (2 oz.);
  - b) wine-based and spirits-based coolers, cider and beer, 120 ml (4 oz.);
  - c) spirits and liqueurs, 15 ml (0.5 oz.).
- 4.8.6. A liquor service licensee must not provide free samples to patrons but may provide a taste of liquor to a patron prior to the patron placing an order. A taste cannot exceed 7.1 ml (1/4 oz.) of spirits or 28.4 ml (1 oz.) of beer, cider, cooler or wine.
- 4.8.7. A licensee with a brew pub endorsement may provide their patrons with a maximum 120 ml (4 oz.) sample of the beer produced at the premises in accordance with the sampling rules.

#### **4.9 STORING / MEASURING / DISPENSING LIQUOR**

- 4.9.1. Liquor must be kept in the container it was purchased in until a licensee dispenses it to a patron. This means that a licensee must not combine partially full bottles of liquor.
- 4.9.2. Any request to store liquor in a container other than what is purchased in or in any other manner must be made to the LGA.
- 4.9.3. A licensee must not adulterate liquor. Adulterating liquor is interpreted as taking legally purchased alcohol products and making the product impure or inferior by deceptively adding foreign substances and includes:
  - a) diluting product with water,
  - b) purposely putting product into new containers to conceal their true origin
  - c) adding toxic substances,
  - d) blending one type or brand of liquor with another type or brand of liquor; or
  - e) doing anything else that affects the alcohol content of a patron's drink.
- 4.9.4. The LGA does not consider infusing to be adulterating. The following policies around infusing liquor apply:
  - a) A licensee may infuse liquor provided the infusion does not cause additional fermentation resulting in an increase in the alcoholic content of the patron's drink.
  - b) A licensee can serve liquor infused with spices, herbs, fruits, vegetables, candy or other substances intended for human consumption.

- c) Products used to infuse liquor must be added to the original bottle, package or container.
- 4.9.5. A licensee is responsible to ensure liquor is accurately and consistently measured, and are responsible for the accuracy and consistency of the measuring device used. A licensee must not free pour liquor. For reference when measuring serving sizes, 1 oz. is 28.4 ml.
- 4.9.6. All types of electronic/mechanical dispensers can be used provided that the equipment can pour consistent and accurate amounts. The equipment must not adulterate the liquor in any way.
- 4.9.7. There can be no pre-mixing of liquor in the dispenser.
- 4.9.8. Inspectors may test measuring and dispensing equipment to ensure accuracy and consistency, as well as test to ensure that liquor remains unadulterated and saleable.
- 4.9.9. A licensee cannot allow a server to carry alcoholic beverages such as trays of shooters, glasses of draught beer, or liquor in holsters, in licensed premises before receiving orders for those beverages.

#### **4.10 LIQUOR SERVING SIZES**

- 4.10.1. In order to ensure responsible sale and service of liquor, terms and conditions restrict the maximum amount of liquor a patron may have in front of them at one time to no more than.
  - a) two containers containing a total of no more than 85.2 ml (3 oz.) of spirits; or
  - b) two containers containing a total of no more than 750 ml (26.4 oz.) of beer; or
  - c) two containers containing a total of no more than 500 ml (17.6 oz.) of wine.
- 4.10.2. A patron must not be served another drink while there are two full or partially full bottles, glasses or containers in front of the patron.
- 4.10.3. It is a licensee's responsibility to ensure patrons are in possession of no more than the two allowable containers of liquor.
- 4.10.4. A licensee must make a request to the LGA for special authorization to:
  - a) serve liquor in another manner; or
  - b) increase their serving sizes.
- 4.10.5. If the request is approved, the licensee must comply with any additional conditions placed on the authorization.

##### **4.10.6. Pitchers of Liquor**

To comply with maximum serving size laws, a licensee serving cocktails and beer in pitchers must not exceed the following policies:

- a) A licensee may serve cocktails in pitchers provided:
  - i) The pitcher contains no more than 85.2 ml (3 oz.) of spirits per person served.
  - ii) A glass/container is provided for each person served.



- b) A licensee may serve draught beer in pitchers or dispensers provided:
  - i) the pitcher is served to the appropriate number of persons to ensure a maximum serving of 750 ml (26.4 oz.) per person; and.
  - ii) a glass/container is provided for each person served.

#### 4.10.7. Flights of Liquor

- a) A licensee wishing to serve a 'flight' of liquor must request approval from the LGA before serving flights.
- b) The LGA defines a 'flight' as a selection of wines, beers or spirits, usually between three and eight glasses presented as a single unit for the purpose of tasting and comparison.
- c) Approval will be subject to conditions including but not limited to:
  - i) The total amount of liquor served at one time does not exceed the maximum allowable quantity.
  - ii) The flight is to be presented as a single unit. A licensee must be prepared to show the LGA the type of flight container they intend to use to ensure it meets the single unit requirement.



#### 4.10.8. Bottle Service

- a) A licensee must request approval for bottle service.
- b) Approval will be subject to conditions including the following:
  - i) Bottle service may only take place with the use of a locked table-top bar.
  - ii) Any liquor stored in the table-top bar must remain locked and is only accessible to the licensee's serving staff.
  - iii) Only the server may provide liquor from the table-top bar.
  - iv) A patron may pay for the bottle but service of liquor to the patron must be by the oz./ml.
  - v) Liquor must be served in accordance with the terms and conditions regarding liquor service. This includes complying with rules around liquor serving sizes, number of containers a person may be in possession of, destruction of unconsumed liquor, and minimum pricing.
  - vi) Approvals for temporary table-top bars may be rescinded by the LGA at any time.
- c) Requests for authorized table top bar service submitted to the Liquor Licensing Department must include a picture of the proposed table-top bar.
- d) Additional terms and conditions may apply based on proposed service.

## **4.11 RECORKING WINE**

4.11.1. A liquor service licensee may allow patrons to take an unfinished bottle of wine from the premises:

- a) as long as the patron was served the bottle of wine with a meal they purchased and consumed at the premises, and
- b) as long as a new cork is fully inserted into the bottle so the top of the cork is flush with the opening of the bottle.

4.11.2. The requirements for a flush cork means screw caps may not be used to re-seal a bottle.

4.11.3. A licensee should advise patrons of any recorking fee charged by way of a sign or price list.

## **4.12 DRINK PRICING**

4.12.1. All pricing, promotions and advertising must be in accordance with the Act and regulations.

4.12.2. A licensee must:

- a) have some form of liquor menu or board available to inform patrons of the price per drink, the quantity of liquor per drink and the appropriate taxes to be added or included in the price.
- b) not serve an amount of liquor that is less than the amount stated on the menu/board/price list unless the patron has requested that a smaller amount be served.
- c) meet minimum pricing by not offering, selling, serving or providing beverages containing the following types and volumes of liquor for less than a total purchase price, including RST and GST, of \$2.25 for:
  - 28.4 ml (1 oz.) of spirits;
  - 341 ml (12 oz.) of beer, cider or cooler; or
  - 142 ml (5 oz.) of wine
- d) continue to meet minimum pricing if offering to sell, serve or provide a beverage containing liquor in a larger or smaller volume than specified above. This means that if the size of the drink increases, so must the minimum price of that drink in direct proportion to the increase in the volume of liquor contained in that beverage.

The following pricing chart provides examples of minimum price for various quantities of liquor.

<b>Beer</b> - Minimum Price, including RST and GST – 18.75¢ per 28.4 ml (1 oz.) - rounded up						
28.4 ml	142 ml	170 ml	227 ml	284 ml	341 ml	454 ml
1 oz.	5 oz.	6 oz.	8 oz.	10 oz.	12 oz.	16 oz.
19¢	94¢	\$1.13	\$1.50	\$1.88	\$2.25	\$3.00
<b>2 or more people</b>						
738 ml	795 ml	909 ml	1363 ml	1420 ml	1476 ml	
26 oz.	28 oz.	32 oz.	48 oz.	50 oz.	52 oz.	
\$4.88	\$5.25	\$6.00	\$9.00	\$9.38	\$9.75	
<b>3 or more people</b>						
1534 ml	1590 ml	1704 ml				
54 oz.	56 oz.	60 oz.				
\$10.13	\$10.50	\$11.25				
<b>Wine</b> - Minimum Prices, including RST and GST – 45¢ per 28.4 ml (1 oz.)						
28.4 ml	113.6 ml	142 ml	170.4 ml	500 ml (half litre)	1000 ml (1 litre)	
1 oz.	4 oz.	5 oz.	6 oz.	17.6 oz.	35.2 oz.	
45¢	\$1.80	\$2.25	\$2.70	\$7.92	\$15.84	
<b>Spirits</b> - Minimum Prices, including RST and GST – \$2.25 per 28.4 ml (1 oz.)						
28.4 ml	43 ml	56.8 ml	85.2 ml			
1 oz.	1 1/2 oz.	2 oz.	3 oz.			
\$2.25	\$3.38	\$4.50	\$6.75			

#### 4.13 CUSTOMER LOYALTY PROGRAMS

4.13.1. In order to comply with legislation around gifting and minimum pricing, a licensee establishing a loyalty program for their patrons or customers must ensure certain features exist:

- a) A customer loyalty program can allow patrons or customers to earn points on purchases of food, services or liquor made at the licensed premises.
- b) The points earned must have a cash value such as 100 points = \$10.
- c) Patrons may redeem the cash value of their earned points to purchase any service or product a licensee sells, including liquor.
- d) A licensee must not give or serve free liquor.

#### 4.14 CUSTOMER PROMOTIONS

4.14.1. A licensee must provide free items or items received at a discount from a liquor manufacturer/ distributor such as t-shirts, glasses, or umbrellas to patrons, or use such items for the benefit of the patrons.

4.14.2. A liquor service licensee can offer a drink and service or activity package promotion with a single price such as a 'bud, spud and steak' or banquet, provided patrons are advised of all items (i.e. food, drink, service or activity) included in the price and the substitution of non-alcoholic beverages is available to persons not wanting alcoholic beverages.

- 4.14.3. A licensee may offer true promotional contests. This means that there must be ‘no purchase necessary’; patrons must not be required to pay in any way, including not having to purchase any products or services. The Criminal Code (Canada) prohibits:
- a) contests in which the winner is determined by chance when participants are required to pay to enter.
  - b) contests in which the winner is determined by chance unless an element of skill is introduced; this is why many contests involve skill-testing questions.
- 4.14.4. A liquor service licensee cannot offer drink promotions that circumvent the minimum pricing regulation, promote excessive consumption, or contests which involve the consumption of liquor including:
- a) free drinks as a promotion; and
  - b) all you can drink promotions.

#### **4.15 PROMOTIONAL AGREEMENTS**

- 4.15.1. All licensees may enter into written promotional agreements with manufacturers and distributors to conduct promotions and must provide a copy of the agreement to the LGA when requested. This includes any agreements for product exclusivity, shelf space and promotional items such as umbrellas or t-shirts.
- 4.15.2. All promotional materials must comply with the Canadian Code of Advertising Standards. These standards apply to marketing and promotional activities and advertisements themselves, whether indoor or outdoor and on or off premises.
- 4.15.3. A liquor service licensee must not enter into any promotional agreement under which any benefit provided to the licensee under the agreement is based on the amount of liquor purchased or sold.
- 4.15.4. Retail licensees may:
- a) charge manufacturers and distributors a fee for:
    - i) paid promotional displays where featured products or other promotional items are displayed in prominent locations within the retail premises. Displays may or may not include a contest.
    - ii) promotional signage advertising brands or products in-store and/or external i.e. on outside of building. All forms of signage, including electronic signage are acceptable.
  - b) set their own fee structure for promotional activities based on the market value offered. i.e. higher rates for producing in-store display signage on behalf of manufacturer/distributor or additional retail services.
  - c) conduct multiple promotions at the same time such as paid promotional displays in combination with other signage.
  - d) set up and maintain Impact displays or other on-site promotions or they may be maintained by a manufacturer, distributor or one of their agents, as agreed to by the parties.

- 4.15.5. Retail licensees are not responsible for providing displays, signage, and other promotional items unless otherwise agreed between the retail licensee and the manufacturers or distributors.
- 4.15.6. Retail licensees may not charge a fee for the following promotions:
- a) in-store sampling, other than the cost of the product required for sampling;
  - b) shelf space or shelf management activities, including listing or stocking products;
  - c) value adds (e.g. mini on-pack or near packs);
  - d) free-of-charge packaging (e.g. gift boxes); and
  - e) limited-time offers. In order to comply with laws around uniform pricing, liquor vendors and beer vendors must offer the same limited-time offer pricing for any products identified by MLLC. A fee related to the central administration of the limited-time offer program may be charged to manufacturers and distributors by the MLLC.
- 4.15.7. Failure to comply with these policies may result in the LGA requiring licensees to amend their promotional agreement to meet policy or cease offering the promotion.

#### **4.16 ENTERTAINMENT**

- 4.16.1. A liquor service licensee may have entertainment in their premises but if the entertainment reduces seating in the premises i.e. stage in place of seating, the licensee must contact the LGA as the authorized capacity may be reduced accordingly.
- 4.16.2. If the premises is age-restricted, the licensee must make sure that those hired to perform are 18 years of age or older; or if under 18 years of age, they must be accompanied by a parent, spouse, common-law partner or guardian who is at least 18 years of age.
- 4.16.3. A minor must not provide entertainment in a beverage room unless the beverage room has a family-friendly or community event authorization.

#### **4.17 ADULT ENTERTAINMENT**

- 4.17.1. A beverage room licensee is not required to apply if they wish to have adult entertainment. All other licensees must apply to the LGA for authorization prior to providing adult entertainment and additional terms and conditions will be provided.
- 4.17.2. Adult entertainment may not take place in a beverage room at any time if a licensee holds a family friendly authorization.
- 4.17.3. Specific terms and conditions for a licensee authorized to have adult entertainment include:
- a) the entertainment must take place on a stage as defined in the terms and conditions;
  - b) no patron may enter the stage area while the adult entertainer is performing;
  - c) no adult entertainer can leave the stage area while they are performing;
  - d) the adult entertainer must not touch a patron or be touched by a patron, 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 licensed area;
  - e) if more than one adult entertainer is on stage at the same time, there must be no

physical contact, whether directly or through the use of any object, between the adult entertainers performing on stage;

- f) the adult entertainer must leave the stage area and the licensed area immediately following performing and must not return until the entertainer is no longer nude or partially nude;
- g) The adult entertainer must not be nude or partially nude when in the licensed area before performing or between performances;
- h) no person providing security or serving liquor or food in the licensed premises can be nude or partially nude when on duty; and
- i) no person can perform adult entertainment in the licensed area unless the person is 18 years of age or older.

4.17.4. A licensee must take immediate action to stop the performance if a performer fails to comply with the conditions for entertainment.

4.17.5. A licensee whose premises offer adult entertainment must ensure:

- a) the licensed area is separated from unlicensed or other licensed areas so the licensed area offering the adult entertainment it is not visible to minors or persons outside the area; and
- b) windows in the area with adult entertainment have window coverings so adult entertainment is not visible outside the premises.

#### **4.18 GAMES**

4.18.1. Stand-up games can be installed in liquor service licences, excluding dining rooms. Stand-up games require the patron to leave the table to play them. Examples of stand-up games are pool tables, darts, foosball, air hockey and shuffleboard.

4.18.2. A licensee is required to notify the LGA prior to installing stand-up games in a licensed area as depending on the type of game, an adjustment in the maximum capacity may be necessary.

4.18.3. Table-type games where patrons can remain seated at the table to play them may be installed in any licensed area.

## SECTION 5 – LIQUOR SERVICE LICENCES

A liquor service licence authorizes a licensee to sell liquor for consumption in the licensed premises.

### 5.1 DINING ROOM LICENCE

A dining room licensee is authorized to serve liquor in a licensed premises that operates kitchen and dining facilities. The focus of a dining room licence is food service.

#### 5.1.1. Food and Kitchen Requirements

- a) A dining room licensee must have some form of food and liquor menus or boards that include food available and drink information including the price per drink, quantity of liquor per drink, and appropriate taxes to be added to or included in the price.
- b) A dining room licensee must have food on the menu that can be prepared and served to patrons. The dining room licensee must ensure:
  - i) the kitchen is in operation at all times when the licensed premises is open; and
  - ii) the kitchen is stocked with sufficient food and supplies to prepare the items on the menu.
- c) Whenever liquor is served in the dining room, a licensee must prepare all the items on the menu if the item is ordered. It is not a breach of liquor laws if a licensee can't prepare a specific item on the menu if the item is unavailable (i.e. sold out, not in season, unforeseen shortage) as long as a majority of the items on the menu are available.
- d) A licensee is not required to prepare an item on the menu if the order is received so close to closing time that it wouldn't be possible to prepare the item and have the patron consume it before the dining room closes.
- e) The kitchen must comply with all requirements of *The Public Health Act* including holding any required valid health permits and food handler's certificates.

#### 5.1.2. Minors

- a) As dining rooms are not age-restricted, minors may be present in the dining room with or without a parent.
- b) Minors cannot be in possession of or consume liquor in the dining room unless:
  - i) the liquor was purchased for the minor by their adult parent, spouse, common-law partner or guardian; and
  - ii) the minor consumes the liquor with a meal in the presence of the adult parent, spouse, common-law partner or guardian.
- c) A licensee is responsible to ensure that the person ordering for the minor is 18 years of age or older before accepting the liquor order.

### 5.1.3. Seating Requirements

- a) A licensee must ensure the dining room has seating sufficient to reasonably accommodate the issued capacity.
- b) A dining room licensee can sell liquor for consumption without a meal in the dining room as long as there is seating for those wishing to have a meal. The law requires that at least half of the seating in the licensed dining room must be:
  - i) occupied by patrons who have ordered a meal or who have already been served their meal;
  - ii) unoccupied and available for patrons wishing to order a meal; or
  - iii) a combination of unoccupied seating and seating of patrons who have ordered a meal or have been served a meal.

### 5.1.4. Bring Your Own Wine

- a) A licensee holding a dining room or dining room/ lounge licence to allow patrons to bring their own wine as long as:
  - i) the bottle is unopened;
  - ii) the wine is commercially made;
  - iii) the wine is to be served with a meal in a licensed dining room or for a private function;
  - iv) the bottle is opened and served by staff, not the patron; and
  - v) all rules and regulations regarding sale and service apply.
- b) A licensee can allow the patron to remove any of the unfinished wine the patron brought into the premise if:
  - i) the licensee has recorking services;
  - ii) the bottle is recorked using a new cork; and
  - iii) the cork is fully inserted into the bottle so that the top of the cork is flush with the opening of the bottle. A screw top cannot be used to recork wine.
- c) Licensed premises offering this service are permitted to set their own corkage fee and should inform patrons as to whether or not they have recorking services prior to opening the customer's bottle.
- d) If a recorking service is not provided, unfinished product may not be removed from the premises and must be destroyed when the patron leaves in accordance with terms and conditions around the clearing of liquor.
- e) A licensee may not sell the unfinished wine brought by a patron into the premises if the patron does not finish it or take it with them.

### 5.1.5. Catering

- a) Holders of a dining room or dining room/lounge licence may cater food and liquor at a private residence/private place without requesting an authorization from the LGA.



- b) The LGA defines a private place as an enclosed private area of a business, organization, school or institution where the public is not ordinarily invited or permitted except at any time when the public is invited or permitted access to it.
- c) An area would no longer be considered to be a private place if the public is invited or permitted access or if the area is available for public rental. See section 3.5 on social occasion permit events in licensed premises.
- d) The dining room or dining room/lounge licensee must follow all the terms and conditions of their dining room or dining room/lounge licence which include specific terms and conditions around catering.
- e) If a dining room or dining room/lounge licensee wishes to cater an event in an area that is not a private residence/private place, they must first request an authorization from the LGA. The LGA must also approve the area where the event will take place.
- f) This catering authorization may allow the licensee to cater the specific event according to the same terms and conditions that apply to catered events in a private event but the LGA may place additional conditions depending on the type and size of the event.

#### **5.1.6. Self-Service**

- a) Liquor may only be served by a licensee or on-duty employee of a licensee unless otherwise authorized by the LGA. As a result:
  - i) The holder of a dining room licence must make a request to the LGA to allow the self-service of liquor by a patron. As part of the authorization, proper controls and monitoring by staff must be in place.
  - ii) If the LGA approves patron self-service, the licensee must comply with specific terms and conditions around self-service of liquor in addition to the dining room terms and conditions.

#### **5.1.7. Take-out Food Orders**

- a) A dining room and dining room/lounge licensee may serve liquor for on-premises consumption to patrons waiting for a take-out food order.
- b) A licensee cannot sell patrons a bottle of wine by serving a glass from the bottle to a waiting patron and then recorking the remaining wine for the patron to take home with their take-out order.

#### **5.1.8. Liquor Service in Waiting Area**

- a) A dining room or dining room/lounge licensee must apply to the LGA for authorization to provide patrons with liquor in a licensed waiting area, foyer or entryway.
- b) Conditions will be placed on the authorization including:
  - i) the waiting area/foyer/entryway must be licensed under the dining room or dining room/lounge licence.
  - ii) A licensee must obtain the necessary approvals from zoning, building code, health or fire, etc. for the waiting area.

- iii) the waiting area must be indoors and owned or leased by the licensee, not public property.
  - iv) A licensee must also ensure that patrons do not give the liquor to another person or leave the premises with the liquor.
- b) Additional conditions may be placed on the authorization based on the specific premises.

## **5.2 DINING ROOM / LOUNGE LICENCE**

5.2.1. Holders of a dining room/lounge licence must comply with the policies related to dining rooms in section 5.1 of this policy manual. In addition, a licensee is also responsible to comply with policies in this dining room/lounge section.

5.2.2. A dining room/lounge licensee:

- a) Must make a request to the LGA prior to changing or moving the LGA-approved physical barrier between the dining room and lounge as capacity of the two areas may be affected.
  - i) the maximum capacity of the lounge area will typically not exceed the maximum capacity in the dining room area.
- b) Must ensure that VLTs located in the lounge area are not be visible to minors from anywhere in the premises.
- c) May allow a patron to bring their own wine into the lounge area of the premises only for consumption with a meal under the same terms and conditions as patrons bringing wine into the dining room.

### **5.2.3. Food Requirements**

- a) In order to ensure that patrons in the lounge area of a licensed dining room/lounge have a variety of food items available at all times when the lounge is open terms and conditions around food service state that:
  - i) the dining room operating in conjunction with the lounge must be open and operate for a minimum period of four hours from 4:00 p.m. – 8:00 p.m. each day the lounge is in operation.
  - ii) A licensee may close the dining room at 8:00 p.m. but the kitchen must remain open to provide a variety of food options to lounge patrons.
- b) The food must be prepared in the licensee's kitchen regardless of whether or not the licensee's dining room is open.

### **5.2.4. Minors as patrons in the lounge area**

- a) Although minors may be in the dining room area of a premises holding a dining room/lounge licence without an adult parent, spouse, common-law partner or guardian, a licensee is responsible to make sure that a minor does not enter the lounge area of the dining room/lounge without their adult parent, spouse, common-law partner or guardian.

- b) Terms and conditions around minors as patrons in a lounge state:
  - i) Minors may consume liquor in the lounge only with the consumption of a meal when accompanied by their parent, spouse, common-law partner or guardian who is at least 18 years of age. The liquor may only be ordered by the adult parent, spouse, common-law partner or guardian.
  - ii) Minors may enter the lounge prior to the time when liquor service commences only if authorization has been received from the LGA. See section 4.6.6. for information related to the early use of a licensed area.

#### **5.2.5. Minors working in lounge**

- a) A licensee can allow a minor to work in a dining room/lounge in a position where the minor is not involved in the sale and service of liquor, security or is required to check identification. Additional terms and conditions around a minor working in the lounge area require a licensee to ensure:
  - i) the minor is supervised by an on-duty adult while working;
  - ii) the minor cannot view the VLTs while working on the premises. This means that the minor cannot clear drinks or clean up in the VLT area;
  - iii) the minor is only allowed to work in a lounge area of a dining room/lounge until 10:00 p.m. unless a licensee has received special authorization from the LGA; and
  - iv) the minor is not present in the lounge area prior to the start of their shift and the minor leaves the lounge area immediately following their shift.
- b) If an inspector finds an unaccompanied minor in a lounge area of premises during the hours when liquor can be served they will require a licensee to provide proof that the minor is working in the lounge. This proof can include a copy of the minor's work schedule.

### **5.3 BEVERAGE ROOM LICENCE**

A beverage room licence authorizes a licensee to sell liquor for consumption in premises located in the hotel or in a building adjacent to the hotel.

#### **5.3.1. Hotel Guest Room Requirements**

- a) Regulations require the beverage room licensee have a minimum number of hotel rooms as stated in 3.7.1. to hold a beverage room licence. To remain in compliance a licensee must keep the number of rooms under which they were licensed in rentable condition.
- b) The LGA must be notified prior to the licensee making any significant renovations that would reduce the required number of rooms or make the rooms not rentable.

#### **5.3.2. Food Requirements**

- a) The beverage room licensee must make sure a variety of food items are available at all times the beverage room is open.
- b) The food may be prepared outside of the licensed premises or may be pre-packaged food acceptable to the LGA.

### 5.3.3. Minors

- a) Minors may not be present in a beverage room during the hours when liquor may be sold in the beverage room unless authorized by the LGA.
- b) Upon request of a licensee, the LGA may authorize the beverage room licensee to allow minors to be present under the terms and conditions of a family friendly authorization or a community event authorization.

### 5.3.4. Authorizations

- a) A beverage room licensee may apply for one of two authorizations that allow a licensee to operate in a similar manner to a dining room, thereby allowing minors to be in the beverage room.
- b) A beverage room licensee that receives a family friendly or community event authorization must comply with the conditions of the authorization which will vary the beverage room terms and conditions during the hours of the authorization.
- c) The LGA authorization must be available for review by an inspector or member of a police service.
- d) An authorization can be revoked by the LGA if the terms and conditions are not complied with.

### 5.3.5. Family-Friendly Authorization

- a) The LGA may issue to a beverage room licensee an ongoing family friendly authorization that remains in effect until a licensee applies to have the authorization removed.
- b) The beverage room with a family friendly authorization will operate in a similar manner to a dining room and can allow minors to be present. A licensee:
  - i) must have a kitchen that is open and operational during the hours of the family-friendly authorization and must be able to provide patrons with meal service;
  - ii) may allow minors in the premises up to 9:00 p.m. on any day. After that time, the premises reverts back to operating as a beverage room according to the beverage room terms and conditions;
  - iii) must not allow a minor that is present in a beverage room during the hours of a family-friendly authorization to possess or consume liquor in the licensed premises;
  - iv) must not allow adult entertainment to take place in the beverage at any time;
  - v) must ensure the minors are restricted from viewing the VLTs;
  - vi) must ensure that only age-appropriate advertising, décor and entertainment are allowed at any time; and
  - vii) must ensure the beverage room with family-friendly authorization has seating sufficient to reasonably accommodate the issued capacity.

### 5.3.6. Community Event Authorization

- a) A beverage room licensee must make a written request to the LGA for a community event authorization each time the licensee wishes to operate the beverage room for a community event in a manner different than what the beverage room terms and conditions allow.
- b) The LGA will issue terms and conditions for the community event authorization which may vary depending on the type of event taking place but will authorize a licensee to:
  - i) allow minors in the premises during the hours set out in the community event authorization; and
  - ii) allow minors to consume in the licensed premises provided that the liquor is purchased or provided by his or her adult parent, spouse, common-law partner or guardian; and that the liquor is consumed with a meal in the presence of the minor's adult parent, spouse, common-law partner or guardian.
- c) A beverage room licensee:
  - i) must be able to provide patrons with meal service prepared either in the licensee's kitchen, or prepared outside the licensed premises and brought into the premises for the event;
  - ii) must not allow adult entertainment to take place during the time set out in the community event authorization;
  - iii) must ensure minors are restricted from viewing the VLTs; and
  - iv) must ensure that during the times of the community event authorization there is only age-appropriate advertising, décor and entertainment.
- d) The LGA may establish additional requirements for the licensee depending on the type of event taking place.
- e) If the hours of the authorization conclude prior to the closing time of the beverage room the premises reverts back to operating as a beverage room and a licensee is required to again comply with the beverage room terms and conditions.

## 5.4 ENTERTAINMENT FACILITY LICENCE

The LGA is authorized to issue one of the following two categories of entertainment facility licences based on the type of entertainment being provided.

### 5.4.1. Live Entertainment

- a) A licensee holding an entertainment venue licence for live entertainment such as a cabaret must ensure that the type of live entertainment being provided continues to meet the conditions of their licence.
- b) The approved live entertainment must be provided for at least two hours every day that the premises is open for business:
  - i) between 12 noon and 8:00 p.m. on days when the premises closes on or before 8:00 pm; or
  - ii) between 8:00 p.m. and 2:00 a.m. any other day.

- c) A licensee must ensure the live entertainment:
  - i) is presented so that it draws the attention of the patrons;
  - ii) takes place on a stage so it is visible to all patrons;
  - iii) is the main focus of the premises when it is being presented; and
  - iv) is provided by a performer paid by the entertainment venue operator.
- d) The LGA requires a licensee use closed-circuit TVs to allow patrons to view and hear the entertainment if the stage is not visible to all patrons or there is obstructed-view areas within the premises.
- e) Minors
  - i) Minors may only be present in a premises presenting live entertainment if the minor is accompanied by an adult parent, spouse, common-law partner or guardian.
  - ii) A licensee must ensure minors do not possess or consume liquor unless the liquor is purchased or provided by his or her adult parent, spouse, common-law partner or guardian; and the liquor is consumed with a meal in the presence of the minor's adult parent, spouse, common-law partner or guardian.
  - iii) A licensee must make sure that the person ordering liquor for the minor is 18 years of age or older before accepting the liquor order.

#### **5.4.2. Event Facility**

- a) The LGA also issues entertainment facility licences to operators of facilities designed for the primary purpose of presenting musical concerts, plays, dance performances, movies, spectator sporting events, conventions, exhibitions, or art displays.
- b) Unless a licensee has applied to the LGA to vary terms and conditions, the licensee holding a live entertainment licence for an event facility are only authorized to sell liquor:
  - i) during the event/entertainment the facility is primarily designed to present; and
  - ii) for one hour before and after the event/entertainment.
- c) Minors
  - i) Minors may be present in a premises licensed under this category of licence with or without an adult parent, spouse, common-law partner or guardian.
  - ii) A licensee must ensure minors do not possess or consume liquor unless the liquor is purchased or provided by his or her adult parent, spouse, common-law partner or guardian; and the liquor is consumed with a meal in the presence of the minor's adult parent, spouse, common-law partner or guardian.
  - iii) A licensee must make sure that the person ordering liquor for the minor is 18 years of age or older before accepting the liquor order.
- d) Spectator Sporting Events – Luxury Boxes/Suites
  - i) A licensee holding an entertainment venue licence in stadiums or arenas may receive authorization to have luxury boxes or suites and allow self-service of liquor in the suites or boxes.

- ii) A licensee is responsible for monitoring private suites and luxury boxes to ensure compliance with the law and terms and conditions set by the LGA.
- iii) A licensee must retain keys/access codes to the luxury boxes/private suites and all locked cabinets in the suites/boxes. The cabinet or fridge where the liquor is stored may be left unlocked during the hours when liquor is lawfully sold to patrons through self-service.
- iv) As minors may only consume with a meal in the presence of their adult parent, spouse, common-law partner or guardian, the liquor must remain in a locked cabinet if no adults are present.

### **5.4.3. Food Requirements**

- a) All entertainment facility licensees, regardless of the category, must ensure that a variety of food items are available at all times the licensed premises is open.
- b) The food may be prepared outside of the licensed premises or may be pre-packaged food acceptable to the LGA.

## **5.5 CUSTOMER/MEMBER SERVICE (CMS) LICENCE**

Customer/member service licences are issued to a variety of business therefore most terms and conditions are specific to the type of operation being licensed. Terms and conditions around food service and minors are consistent for all businesses operating under a customer/member services licence.

### **5.5.1. Food Requirements**

- a) All customer/member service licensees must ensure they have a variety of food available for patrons at all times when the licensed premises is open.
- b) The food may be prepared either inside or outside of the licensed premises and can include pre-packaged food approved by the LGA.

### **5.5.2. Minors**

- a) Premises subject to a customer/member service licence are not age-restricted therefore the licensee may allow a minor to be present in the premises without an adult parent, spouse, common-law partner or guardian.
- b) A licensee must make sure the minor is not in possession of, or consuming liquor unless the liquor is purchased or provided by their adult parent, spouse, common-law partner or guardian; and the liquor can only be consumed with a meal in the presence of the minor's adult parent, spouse, common-law partner or guardian.
- c) A licensee must make sure that the person ordering for the minor is 18 years of age or older before accepting the liquor order.

### 5.5.3. Sub-Categories of Customer/Member Service Licences

Each sub-category of customer/member service licence may have its own additional restrictions.

- a) Air carrier, railway, excursion ship, intercity bus line or an international airport or a lessee of premises at an international airport**
  - i) A licensee is authorized to sell liquor to travelling passengers for consumption in the approved licensed areas. Details vary depending on the type of transportation. For more information, contact the liquor licensing department.
- b) Personal services provider such as salons and spas**
  - i) Salons and spa services with a liquor licence must be authorized to provide services under *The Apprenticeship and Certification Act*.
  - ii) A licensee is authorized to sell liquor to their patrons while services are being provided to the patron, and for a period of one hour before and one hour after the provision of services to the patron.
  - iii) A Licensee is still restricted to selling and serving liquor only within the maximum Manitoba liquor service hours.
- c) Facility or residence for elderly persons or for persons requiring health care or support**
  - i) The licence authorizes the facility or residence to sell and serve liquor to residents/users of the facility or residence and their guests to consume in the licenses premises in the specific areas stated in the licence.
  - ii) This licence does not apply to private party rooms for the exclusive use of residents and guests in senior's facilities which are considered to be extensions of the residents' own rooms and do not require licensing. Residents can bring their personal liquor, including homemade product, into these rooms.
- d) Sports or recreational facility, golf course, curling rink, or a hunting or fishing lodge**
  - i) A licensee is authorized to sell and serve liquor in the licensed premises to members, guests and other authorized users of the facility during the times when the activities for which the facility is designed are to be conducted.
  - ii) If a licensee wishes to sell and serve liquor to persons who are not members, guests or authorized users of the facility who are at the facility for an event such as an open house or membership drive the licensee must make a request to the LGA prior to the event.
  - iii) In order for a licensee to ensure patrons are abiding by the terms and conditions of their licence the LGA suggests:
    - staff such as a course marshal on a golf course be employed to move throughout large licensed areas not easily viewed by serving staff.
    - signage be posted at all public areas, such as a public roadway on a golf course indicating that no liquor is allowed beyond that point, and signage regarding patrons bringing liquor onto the premises.



- iv) operators of hunting and fishing lodges must operate under *The Resource Tourism Operators Act* to qualify for a licence under this category.
- v) A customer/member service licensee operating hunting or fishing lodges are authorized to sell liquor to guests of the lodge for consumption in their rooms or cabins in addition to selling liquor in the licensed area.

**e) Hotel not the subject of a dining room licence**

- i) A minimum number of hotel guest rooms are not required for this sub-category of liquor service licence.
- ii) A licensee is authorized to sell liquor to registered guests of a hotel for consumption in areas of the hotel including hotel rooms, and from self-serve units installed in guest rooms in the hotel.

**f) Private club or veterans organization, military unit or law enforcement agency**

- i) A licensee is authorized to sell liquor to members and guests of members under specific terms and conditions including retaining specific membership numbers as follows:

<b>Type of private club or veterans organization, military unit or law enforcement agency</b>	<b>Required number of members</b>
• a private incorporated club without share capital not operated for profit	at least 50 local adult members
• a private incorporated club operating a golf course, curling club or other athletic facility	at least 50 local adult members
• a veterans organization	at least 20 local members

- iii) Memberships cannot be sold at the door of the licensed premises but membership applications may be accepted at the door. The membership applications must then be considered at a future meeting of the board of directors of the club. A fee must be charged for the membership.
- iii) Unless a licensee has received authorization from the LGA they must not allow persons who are not members, guests or employees of the club to enter the premises at any time when liquor is served.
- iv) A licensee must make a written request to the LGA to allow additional guests into the licensed premises for a specific event such as a membership drive or club anniversary, otherwise the number of guests of members, excluding spouses or common-law partners of members cannot exceed:
  - 50% of the local membership of the veterans organization, military unit or law enforcement agency; or
  - 10% of the local membership of any other private club not listed above.
- v) Any authorization by the LGA to allow the additional guests will result in the waiving of the percentages listed above only during the specific event.

**5.6 UNIQUE HOSPITALITY VENUE LICENCE**

5.6.1. The LGA may issue a unique hospitality venue licence to a premises offering a unique experience to Manitobans including manufacturer’s tasting rooms and casinos.

- 5.6.2. A licensee holding a unique hospitality venue licence will receive terms and conditions specific to the unique type of experience they offer.
- 5.6.3. For more information on the unique hospitality venue – tasting room licence available to manufacturers, see section 7.2 in the Liquor Manufacturer’s section of the policy manual.

## **5.7 BREW PUB ENDORSEMENT**

- 5.7.1. All liquor service licensees may apply for a brew pub endorsement.
- 5.7.2. The holder of a brew pub endorsement is authorized to brew beer for sale and on-premises consumption in the liquor service licence area, and sell the product for off-premises retail sales for customers to take home.
- 5.7.3. In addition to the terms and conditions of their liquor service licence, the brew pub operators must comply with specific terms and conditions related to the brew pub operation which include terms and conditions specific to the brewing equipment, sampling of brewed product and the off-sale of the product produced by the brew pub.

### **5.7.4. Production**

- a) The brew pub operator must continue to be licensed by the Canada Revenue Agency (CRA) and continue to comply with all CRA and *the Food and Drugs Act (Canada)* requirements.
- b) The brew pub operator is restricted to producing less than 2000 hectolitres of beer in a year at the premises unless the operator requests authorization from the LGA to vary this maximum.

### **5.7.5. Equipment**

- a) As a condition of receiving a brew pub endorsement the licensee must follow the terms and conditions around equipment and CRA approval.

### **5.7.6. Sampling**

- a) Although a liquor service licensee cannot conduct sampling in their premises the brew pub operator is authorized to provide adult patrons with a 120 ml sample of the beer they produce on the premises in compliance with sampling terms and conditions.
- b) The brew pub operator may not provide samples of any other product sold on the premises.

### **5.7.7. Off-sale**

- a) Only beer made on-premises and listed with MLLC may be sold for consumption off-premises at prices set by MLLC.
- c) A licensee is required to post some form of signage that clearly displays the package sizes for sale and the price for each package size, same as is required for all retail licensees.
- d) All off-sales must be made from a retail area that is immediately adjacent to the entrance of the premises and may not be sold from the liquor service area.

- e) A licensee must ensure that beer sold for off premises consumption is removed from the premises upon completion of the sale.
- f) The brew pub may deliver to a customer, including a licensee, any product purchased off-sale according to the terms and conditions of delivery.

## SECTION 6 – RETAIL LIQUOR SALES

A retail liquor licence authorizes a licensee to sell liquor on a retail basis for consumption off-premises.

### 6.1 SALE OF LIQUOR

- 6.1.1. Retail liquor licensees can only sell liquor purchased from MLLC.
- 6.1.2. All products sold from retail premises must be sold in their original format and packaging.
- 6.1.3. A licensee is required to post some form of signage that clearly displays the package sizes for sale and the price for each package size.

### 6.2 SOCIAL OCCASIONAL PERMIT APPLICATIONS

- 6.2.1. Liquor marts, retail liquor vendors and specialty wine stores are authorized to accept applications for social occasion permits on behalf of the LGA.
- 6.2.2. Liquor marts, retail liquor vendors and specialty wine stores accepting social occasion permit applications are not authorized to approve a permit or amend a permit approved by the LGA.
- 6.2.3. A licensee is required to collect payment for the permit application prior to forwarding the application to the LGA.

### 6.3 TEMPORARY LOCATION

- 6.3.1. A retail licensee must apply to the LGA for authorization to temporarily operate from a location other than their licensed retail premises.
- 6.3.2. Authorization must be received prior to the retail licensee operating the temporary relocation.

### 6.4 DELIVERY OF LIQUOR

- 6.4.1. A retail licensee, with the exception of a duty free licence holder, may deliver liquor to purchasers. All licensees must comply with terms and conditions around delivery that state that:
  - a) Liquor delivery orders may only be accepted from 8:00 a.m. until 12:00 midnight, and from 1:00 p.m. until 12:00 midnight on Remembrance Day.
  - b) Payment of the order must be received when the order is placed and may not be made to the person delivering the order.
  - c) Liquor may only be delivered from 8:00 a.m. until 12:30 a.m., and from 1:00 p.m. until 12:30 a.m. on Remembrance Day.
  - d) The liquor does not have to be personally delivered by the licensee but the licensee is responsible to ensure that that any person making deliveries of liquor on their behalf complies with the terms and conditions.
  - e) A delivery fee may be charged to the purchaser for the delivery of liquor.

- 6.4.2. All terms and conditions around the sale of liquor apply such as checking identification and not selling to minors or intoxicated persons.

## **6.5 RETAIL BEER VENDOR**

- 6.5.1. Only the owner of a hotel that maintains the required number and size of rentable guest rooms stated in the terms and conditions will be authorized to hold a retail beer vendors licence. These room requirements are outlined in the table in 3.7.1.
- 6.5.2. The retail beer vendor must be located in the hotel; or in a building separate from the hotel if the two buildings are located on the same or adjacent parcel of property as the hotel. The LGA must be satisfied that the buildings operate as a single establishment and it should be clear to the public that the beer vendor and the hotel are connected.

## **6.6 LIQUOR VENDOR**

- 6.6.1. All liquor vendors must comply with the MLLC's liquor vendor agreement and liquor vendor operating policies which set out MLLC's requirements to be a liquor vendor.
- 6.6.2. A liquor vendor licence may be suspended or cancelled if the liquor vendor agreement is terminated.

## **6.7 SPECIALTY WINE STORE**

- 6.7.1. All specialty wine store operators must comply with MLLC's specialty wine store agreement and any MLLC operating policies.

## **6.8 BREW PUB ENDORSEMENT ON A LIQUOR SERVICE LICENCE**

- 6.8.1. A liquor service licensee holding a brew pub endorsement issued by the LGA is authorized to sell only the beer produced on the premises to the public for off-sale. See section 5.7 for details regarding this endorsement.

## **6.9 RETAIL ENDORSEMENT ON A MANUFACTURER'S LICENCE**

- 6.9.1. A manufacturer may sell the product they produce at the premises for off-premises sale if they receive a retail endorsement on their manufacturer's licence from the LGA. See section 7.3 for details regarding this endorsement.

## SECTION 7 – LIQUOR MANUFACTURER

A manufacturer's licence authorizes a licensee to manufacture the type of liquor set stated in the licence. A person may also produce liquor in Manitoba if they hold a brew pub endorsement on a liquor service licence.

### 7.1 LIQUOR MANUFACTURER

7.1.1. A liquor manufacturer licensee may sell the liquor they produce in Manitoba or outside of Manitoba.

- a) Liquor sold in Manitoba must be sold through MLLC.
- b) Liquor sold outside of the province must be sold according to the laws of the place where the liquor is being sold.

7.1.2. Liquor manufacturer, like all licensees must inform the LGA of any significant changes to the business. For a liquor manufacturer, this would include informing the LGA of any changes to the type of liquor being produced prior to producing the different type of product.

### 7.2 UNIQUE HOSPITALITY VENUE - TASTING ROOM

- a) Holders of a manufacturer's licence may apply to hold a liquor service licence - Unique Hospitality Venue – Tasting Room that allows the manufacturer to sell the liquor they produce on the premises to customers for consumption on the premises.
- b) As the manufacturer is holding a liquor service licence, they are responsible to comply with all general liquor service terms and conditions and must read the sections related to sale and service of liquor.
- c) In addition to the general liquor service terms and conditions, the manufacturer with a tasting room will receive specific terms and conditions that apply to the tasting room. They state that:
  - i) Hours of liquor service in the tasting room are restricted to 11:00 a.m. to 11:00 p.m.
  - ii) All patrons must vacate the tasting room by 12 midnight.
  - iii) The size of a tasting room is restricted to 50 patrons.
  - iv) The tasting room is restricted from having stand-up or sit-down games such as pool tables or table-type games, unless the LGA has authorized the premises to have these games.
  - v) The requirement that the tasting room have a variety of food available for patrons.
  - vi) A licensee may allow minors to be present in the tasting room if they are with their parent, spouse, common-law-spouse or guardian but a licensee cannot let the minor possess or consume liquor.

### **7.3 RETAIL ENDORSEMENT**

- 7.3.1. Manufacturers holding a retail endorsement on their manufacturer's licence issued by the LGA are authorized to sell only the product produced on the premises to the public for off-sale.
- 7.3.2. Terms and conditions similar to those for other retail licences will be issued for the retail endorsement addressing topics including responsible sale of liquor, minors, and delivery.

## APPENDIX A – GAMING IN LICENSED PREMISES

Appendix A provides liquor licensees with a brief overview of the types of gaming events that may take place in a licensed premises and the responsibility of the liquor licensee. Detailed information on gaming opportunities in Manitoba can be found on the LGA website at <http://lgamanitoba.ca>.

*The Criminal Code (Canada)* sets out provisions around lawful lottery schemes. A lottery scheme is when a fee or consideration is paid for a chance to win a prize. Specifically Section 207(a) of *the Criminal Code (Canada)* gives provinces the authority to conduct and manage lottery schemes.

The LGA issues various gaming licences including:

- Video Lottery Terminals (VLTs) licences;
- Lottery Ticket Retailer (LTRs) licences;
- Charitable Gaming Event Licences; and
- Social Occasion Raffle Licences

### **Video Lottery Terminal (VLT) Siteholder Licence**

A liquor licensee must hold a VLT siteholder licence in order to have VLTs in their premises and is responsible to comply with all terms and conditions of the VLT siteholder licence. The MLLC owns and manages all VLT machines under agreements with eligible licensed premises. The LGA will not authorize a VLT siteholder licence if the location has not been approved by MLLC Video Lotto Division at 204-957-2777 or toll-free at 1-800-563-2500.

A licensee must ensure that the VLTs are positioned in the licensed premises so that the VLTs are not visible to any minors.

### **Lottery Ticket Retailer (LTR) Licence**

A liquor licensee must hold a LTR licence in order to have lottery ticket terminals in their premises and must comply with the terms and conditions of the LTR licence. A liquor licensee interested in becoming a lottery ticket retailer must first contact MLLC at 204-957-2500. Once they have been approved by MLLC, the liquor licensee can then apply for a LTR licence from the LGA.

### **Charitable Gaming Event Licence**

*The Criminal Code (Canada)* establishes who can hold lottery schemes. Section 207(b) of *The Criminal Code (Canada)* authorizes charitable or religious organizations “to conduct and manage a lottery scheme in that province if the proceeds from the lottery scheme are used for a charitable or religious object or purpose”. These lottery schemes are licensed by the LGA under a Charitable Gaming Event Licence.

Under this licence, charitable or religious organizations can fundraise through activities such as raffles including chase the card and meat draws. Funds raised through charitable gaming events must be used for education, religion, health, relieving poverty, or to benefit the community by promoting sports, recreation, culture, or any other area considered appropriate by the LGA.



Unless a liquor licensee is a charitable or religious organization such as a veterans organization, the liquor licensee is not eligible to hold a charitable gaming event licence. A licensee may offer their premises to a charitable organization to provide a location for a charity to hold their licensed gaming event. All profits from the actual gaming event must go to the charitable gaming event licensee. Any profits from the sale of liquor or food can go to the liquor licensee.

If a charitable gaming event takes place in a licensed premises the liquor licensee is responsible to comply with the liquor terms and conditions of their liquor licence while the gaming event licensee must be present and is responsible to comply with all conditions of the charitable gaming event licence.

The charitable gaming licence only authorizes the licence holder to conduct the actual fundraiser such as chase the card. A charitable organization such as a veterans organization holding a liquor licence must still comply with the terms and conditions around allowing members or guests enter and consume in the premises. The licensee must make a request to the LGA to vary those liquor terms and conditions, if necessary, during the time of the fundraiser.

### **Social Occasion Raffle Licence**

Section 207(d) of *The Criminal Code* (Canada) authorizes other persons “to conduct and manage a lottery scheme at a public place of amusement”. These lottery schemes are licensed by the LGA under Social Occasion Raffle Licences and are required for a raffle that has a cost to play, a chance to win and a prize offered. Individuals and groups who are planning a **one-time** social event at a public place of amusement such as a licensed premises, and want to have a raffle such as a 50/50 or players’ choice at the event, are required to have a social occasion raffle licence. For information on the maximum allowable price for tickets and value of prizes see the LGA website at <http://lgamanitoba.ca>.

The liquor licensee must comply with the terms and conditions of their liquor licence while the holder of the social occasion raffle licence is responsible to comply with all terms conditions of their social occasion raffle licence.

### **Types of Raffles**

Common types of raffles held in licensed premises include:

#### **Percentage Payout Raffle**

These are also called 50/50s. A number of tickets are sold and a predetermined percentage of sales is identified as the prize.

#### **Players’ Choice Raffle**

These are also called rainbow auctions. Players choose which draw they wish to participate in from displayed prizes (or prize packages) and place their tickets in the respective draw bag, bin, box or pail by the prize they wish to win.

### Chase the Card

These are often called chase the ace. In this raffle, tickets are sold for a weekly draw where the winner draws a card from a deck. The raffle is run in a series until the card identified in the rules, often the ace of spades, is drawn. The payout structure is set out in the rules of the charitable gaming licence.

### Meat Draw

A number of tickets are sold for one or more draws where the prize or prizes offered is traditionally meat.

### Holding a Raffle

Any raffle that has a cost to play, a chance to win and a prize offered can only take place under a charitable gaming event licence or social occasion raffle licence.

An individual or group holding a raffle may raffle liquor, including homemade beer or wine. The liquor may be brought into the licensed premises to be displayed in a players' choice raffle or silent auction; and the liquor may be presented to the winner of the prize. The person who wins the liquor must be 18 years of age or older and the liquor cannot be opened or consumed in the licensed premises.

### Contests

Contests are not gaming and are not governed by the LGA. They are regulated by the *Criminal Code (Canada)* and the *Competition Act (Canada)* and are governed by the Competition Bureau. As a result, a liquor licensee wishing to hold contests in their licensed premises should contact their lawyer or the Competition Bureau for guidance on setting up a contest in their licenced premises.

The *Criminal Code (Canada)* prohibits contests that require the purchase of a product as the sole condition of contest participation. Under *The Liquor and Gaming Control Act*, a licensee is prohibited from allowing any person to play any game that is contrary to the Criminal Code (Canada).

## APPENDIX B – RISK BASED FREQUENCY OF INSPECTIONS MODEL

This model, along with the Criteria Specific Breakdown (see next page), is used to evaluate licensed premises in terms of relative risk associated with their operation. Premises are assigned a risk level which will determine the frequency they are inspected.

Criteria are weighted highest to lowest with compliance being highest.

Criteria	Multiplier
1. Compliance History	x 3
2. Licence Type(s)	x 1.4
3. Premises Size	x 1.3
4. Hours of Operation	x 1.2
5. Entertainment Format, Special Authorizations	x 1.1

Note: Complaints are omitted as a complaint will generally cause an inspection automatically. Also, complaints are the only item that can be influenced by external factors.

### Scoring

Each criteria is scored from 0-3 (0 being no risk, 1 being low risk, 2 being medium risk, and 3 being high risk) and each criteria is assigned a multiplier to calculate its overall weight.

A licensee's overall criteria scores can range from 0 pts - 24 pts.

Risk Level A - Inspection every two weeks (>17 pts)

Risk Level B - Inspection every month (10-17 pts)

Rick Level C - Inspection every 3 months (5-9 pts)

Risk Level D - Inspection every 6 months (<5 pts)

## CRITERIA SPECIFIC BREAKDOWN

The following has been incorporated into a premises specific checklist (see next page) that can be completed easily, and adjusted as necessary. The following are considered when scoring.

- 1. Compliance History** – Based on a five year record of operation, number of infractions dealt with as Written Warning or higher. Scored as follows:

Score	Prevalence
0	None
1	1-3
2	4-7
3	>7

- 2. Licence Type(s)** – Based on number and type of licenses issued to a premises. Scored as follows:

Score	Licence Types / #
0	CMS or Dining Room (Single licence)
1	Retail or Dining Room/Lounge or UHV (Single licence)
2	2 licences of any type
3	Entertainment Facility, Beverage Room or 3 or more licence types

- 3. Premises Size** – Based on total capacity of all licensed areas. Scored as follows:

Score	Capacity
0	<50
1	50-99
2	100-300
3	>300

- 4. Hours of Operation** – Traditionally, premises that are open later have more risk associated with them. In the case of premises with multiple licensed areas, only that which is open latest will be considered. Scored as follows:

Score	Hours
0	Breakfast / Lunch only. Closed prior to 2:00 p.m.
1	Dinner only. Closed prior to 9:00 p.m.
2	Closed prior to 12:00 a.m.
3	Open Max Hours or open after 12:01 a.m.

- 5. Entertainment Format / Special Authorizations** – Premises to be considered by greatest risk factor. Scored as follows:

Score	Entertainment Type / Special Authorizations
0	None
1	Occasional live music
2	Weekly live music venue, Bottle Service, Table-Top Beer Dispenser
3	Adult entertainment, Service of liquor in greater volume

## Fillable Checklist – Data Entry

This form was developed to ensure that only valid responses could be entered into the model. Inspectors use historical data and information on the premise to complete the form.

### Risk Based Frequency

MODEL Reset Form

**Premises Name:**  
**Address:**

		SCORE	RATING
Compliance History	Select Compliance History Info		
Licence Type(s)	Select Licence Type		
Premises Size	Select Premises Size		
Hours of Operation	Select Hours of Operation		
Ent. Format / Spec. Approvals	Select Ent. Format / Spec. Approvals		
		<b>TOTAL</b>	<b>0</b>

**INSPECTION FREQUENCY** **Risk Level D - Inspection every 6 months**

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