

**Bill 20: The Miscellaneous Statutes Amendment Act (No. 3), 2010**  
**Liquor Related Changes**

During the most recent sitting of the Legislature, government passed a number of changes to the Liquor Control and Licensing Act.

Some of the changes took effect on June 3, 2010 when the bill received Royal Assent. Other changes will not come into effect until regulations are drafted.

The main changes that take effect now are summarized below:

- In extraordinary circumstances, the Liquor Control and Licensing Branch (LCLB) may suspend a licence for up to 14 days without a hearing. This is intended for circumstances where there are specific public safety concerns such as gang retribution, and we expect that this power will be used very rarely. However, it will be a valuable tool for protecting public safety, where circumstances warrant.
- LCLB and police may hire minors to help monitor compliance with ID checking rules. Minors will be under supervision and not allowed to consume alcohol. However, hiring of minors will not commence until we have developed policy to guide the program and adequately ensure their safety.
- Licensees may pre-mix drinks. This is meant to accommodate the use of mixing equipment such as Bellini machines. Bar staff may now also prepare popular mixed drinks ahead of time.
- Gaming regulations have been consolidated within the Gaming Act, and will be regulated by the Gaming Policy and Enforcement Branch. However, there will still be restrictions on the type of gaming that may be offered within a particular establishment, depending on the type of licence. Social occasion casinos, for example, will not be permitted in food-primary establishments.
- LCLB has legal authority to assess the personal suitability of anyone involved in the control or management of a licensed establishment to minimize risk of criminal gang infiltration.
- The Liquor Control and Licensing Act has always prohibited consumption of liquor in a public place. The new legislation will clarify that police can issue a Violation Ticket to a person who has an open container of liquor in a public place, without having to prove that the person actually consumed the liquor.

- All licensees may sponsor community activities and events. Previously only liquor manufacturers could sponsor events.
- Herbal remedies containing alcohol have been added to the list of products that may be exempted from the Liquor Control and Licensing Act.
- The requirement that police notify the LCLB general manager in writing whenever they seize liquor is eliminated. Similarly, provisions about reporting the value of seized liquor to the Minister of Finance have been repealed.
- The LCLB and Liquor Distribution Branch general managers (rather than the minister) may decide how forfeited and seized liquor will be destroyed.
- Legislation clarifies that agents may not sell to the public or to licensees, but may sell to the LDB.
- The LCLB general manager may now delegate authority to suspend a licence for up to 24 hours to classes of peace officers. Previously, authority could only be delegated to a specific individual, such as a specified shift commander.

The following changes will require regulations before coming into force:

- Provision for greater control over who may obtain a special occasion licence and where the event may be held, and for holding special occasion licence holders accountable for infractions such as intoxication and service to minors.
- Provision to licence rural agency, manufacturer and private wine stores and hold them to the same compliance and enforcement rules as other private liquor retail outlets.
- Provision to simplify the process for local government/First Nation input on low risk liquor-primary licence applications such as small capacity lounges. Currently, all liquor-primary applications must go through the same local government and public input process regardless of the size or nature of the establishment, and the likely community impact. By providing more flexibility, this would reduce the burden on local governments and on applicants.
- Provision to repeal the provision currently in the Liquor Control and Licensing Act for local government input on liquor licence renewals. With over 10,000 licences issued on an annual basis it would be a considerable administrative burden imposed on both local governments and the Liquor Control and Licensing Branch to seek input at renewal time.
- Allow seniors' care homes and hospitals to serve liquor to patients, residents and visiting guests. Previously, hospitals and community care facilities could sell or serve alcohol to patients/residents but not to visiting guests. In addition, the legislation gives the LCLB general manager authority to impose terms and conditions, or to prohibit particular institutions from exercising this option. Essentially, this is intended to permit residents to be able to enjoy a drink with visiting family members. Facilities wanting to offer more extensive liquor service to members of the public would have to apply for a liquor licence.

- Provision to allow the LCLB general manager to reinstate a licence if it is renewed after its expiry date.
- Provision to permit ownership links between liquor manufacturers and licensees beyond what is presently permitted to provide additional investment and marketing opportunities for both groups.
- Provision to modernize trade practice relationships between liquor manufacturers and licensees. The rules governing how liquor manufacturers can promote their products within licensed establishments will be relaxed.
- Transfer the club licence provisions from the Act to the Regulations.
- Provision to allow liquor manufacturers and agents to donate liquor to charity special occasion licence events.
- Provision to amend the process for bringing in small amounts of alcohol into BC from elsewhere in Canada for personal use.
- Provision to allow certain rural agency stores in remote areas to sell to licensees as is presently permitted under their appointment.

LCLB will consult with stakeholders on the development of these regulations and policies before they go forward. In addition, many may not go forward for a number of months to allow time for the branch to consult, do the policy work and obtain the necessary government approvals.

For more information on Bill 20, please refer to the Legislative Assembly of British Columbia page on the government's main website at: <http://www.leg.bc.ca/index.htm>

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