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S.M. 2005, c. 9
Bill 12, 3rd Session, 38th Legislature

The Liquor Control Amendment Act

(Assented to June 9, 2005)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

C.C.S.M. c. L160 amended

- 1** *The Liquor Control Act is amended by this Act.*
- 2** *The definition "Licensing Board" in section 1 of the English version is amended by striking out "The Licensing Board" and substituting "means the Licensing Board".*
- 3(1)** *Subsection 10(1) is amended*
- (a) by replacing subclause (b)(ii) with the following:*
- (ii) the products that may be sold in a specialty wine store,
- (b) in subclause (b)(iii), by striking out "the wines" and substituting "products"; and*
- (c) in subclause (b)(iv), by striking out "the sale of wine" and substituting "sales".*
- 3(2)** *Subsection 10(2) is replaced with the following:*

Application of regulations

- 10(2)** A regulation made under clause (1)(a) or subclause (1)(b)(ii), (iii) or (iv) may be made applicable generally or to a specific specialty wine store or class of specialty wine stores.
- 4(1)** *Subsection 17(2) is amended by adding "and licensees" after "members of the public".*
- 4(2)** *Subsection 17(5) is amended by striking out "All liquor" and substituting "Except when otherwise authorized by the commission, all liquor".*
- 5(1)** *Subsection 17.1(1) is amended by striking out everything after "operation of specialty wine stores" and substituting "to sell wine and, if authorized by the regulations, grape-based specialty spirits and grape-based specialty liqueurs."*
- 5(2)** *Subsection 17.1(3) is amended*
- (a) in the part before clause (a), by striking out "a wine" and substituting "a product"; and*
- (b) in clause (a) of the English version, by striking out "the wine" and substituting "product".*
- 6** *Subsection 18(2) is amended*
- (a) in the section heading of the English version, by striking out "of wine"; and*
- (b) in clauses (a) and (b), by striking out "wine" and substituting "product".*
- 7(1)** *Subsections 67(2), 71(2), 72(2), 73(2), 74(2), 75(2), 76(2) and 78(2) and clause 69(1)(b) are amended by striking out "by the glass".*
- 7(2)** *Clause 69(1)(a) is amended by striking out "by the glass or bottle".*
- 7(3)** *Subsections 71(8) and (9) are amended by striking out "30 minutes" and substituting "60 minutes".*
- 7(4)** *Subsections 72(7) and (8) are amended by striking out "30 minutes" and substituting "60 minutes".*
- 8** *Section 79 is amended*
- (a) in clause (c) of the French version, by striking out "de au détail" and substituting "au détail"; and*
- (b) by adding the following after clause (c):*
- (c.1) distiller's retail store, to any distiller in the province that is the holder of a manufacturer's licence;
- 9** *Section 80 is amended by renumbering it as subsection 80(1) and adding the following as*

*subsection 80(2):***Requirements for manufacturer's retail store**

80(2) A retail store operated by a brewer, wine manufacturer or distiller must

- (a) be located at the premises where the product is manufactured or at a location approved by the commission; and
- (b) sell only products manufactured by the licensee.

10 *The following is added after subsection 81(2):*

Distiller's retail store

81(2.1) A retail licence for a distiller's retail store authorizes the licensee to purchase spirits from the commission only and to sell spirits in their original container.

11(1) *Subsections 82(1) and (1.1) are repealed.*

11(2) *Subsection 82(2) is amended by striking out "All beer or wine" and substituting "Any product".*

12 *Section 83 is amended by striking out "subsection 81(1), (2) or (3)" and substituting "subsection 81(1), (2), (2.1) or (3)".*

13 *Section 95 is amended by renumbering it as subsection 95(1) and adding the following as subsection 95(2):*

Recorking wine served with meal

95(2) Despite anything in this Act, a licensee may allow a person to remove an unfinished bottle of wine purchased at the licensed premises if

- (a) the wine was served to the person with a meal purchased at the licensed premises; and
- (b) the licensee recorks the bottle using a new cork that is fully inserted into the bottle so that the top of the cork is flush with the opening of the bottle.

14(1) *Subsection 99(1) is amended*

(a) in the section heading of the English version, by striking out "30 minutes" and substituting "Sixty minutes"; and

(b) by striking out "30 minutes" and substituting "60 minutes".

14(2) *Subsection 99(2) is repealed.*

15 *Section 101 is replaced with the following:*

Consumption in licensed premises

101(1) Except when otherwise authorized under this Act, liquor purchased in premises licensed under clauses 60(1)(a) to (i) shall be consumed in the licensed premises in which it was purchased.

No consumption in retail premises

101(2) Subject to subsection (3), no member of the public shall consume liquor in a liquor store or specialty wine store, or in licensed retail premises.

Exception

101(3) A member of the public may consume a complimentary sample of liquor offered in accordance with the regulations in a liquor store or specialty wine store, or in licensed retail premises.

16 *The following is added after clause 116(1)(a):*

(a.1) in the case of a bottle of wine recorked in accordance with subsection 95(2), the bottle has not been opened since it was recorked;

17(1) *Subsections 124(1) and (2) are amended by striking out "No member" and substituting "Subject to subsection (2.1), no member".*

17(2) *The following is added after subsection 124(2):*

When employment permitted

124(2.1) An employee of the commission may also be employed by a person purchasing liquor

from the commission and may receive remuneration and other benefits from that person if he or she has approval to do so from the commission.

17(3) Subsection 124(3) is amended by striking out "No person" and substituting "Except for paying remuneration and other benefits to an employee in the circumstances set out in subsection (2.1), no person".

Coming into force

18 This Act comes into force on the day it receives royal assent.