Legislation Excerpts

This appendix contains excerpts from the Alberta Gaming and Liquor Act (GLA), Alberta Gaming and Liquor Regulation (GLR), and the Alberta Gaming and Liquor Commission Licensee Handbook, grouped according to the following topics as addressed in Lesson 1.3:

- Special Event Licences
- Situations Involving Minors
- Hours of liquor sale and consumption
- Removal of liquor from premises
- Delivery of Liquor
- Liquor to intoxicated customers
- Liquor pricing
- Sale of illegal liquor
- Conduct on licensed premises
- Entertainment on premises
- Inducements and buy/sell agreements
- Product Promotions
- Co-operation with Inspectors and Police Officers
- Penalties

The excerpts were taken from the following legislation:

**Alberta Gaming and Liquor Act (GLA)**
Revised Statutes of Alberta 2000 (Chapter G-1); with amendments in force as of June 1, 2003; ©Published by Alberta Queen's Printer

**Alberta Gaming and Liquor Regulation (GLR)**
Alberta Regulation 143/96; with amendments up to and including Alberta Regulation 131/2002; ©Published by Alberta Queen's Printer

**Alberta Gaming and Liquor Commission Licensee Handbook**
Date Issued: February 11, 2003

*For more detailed information please refer to the most current and complete copy of the legislation*
Special Event Licence (GLR)

The following subclasses of a special event licence are established:

a) public resale licence: authorizes the licensee to possess, store, sell and provide liquor from the licenced premises for consumption in the licenced premises in relation to an event specified in the licence that is open to the public;

b) private resale licence: authorizes the licensee to possess, store, sell and provide liquor from the licenced premises for consumption in the licenced premises in relation to a private event specified in the licence;

c) private non-sale licence: authorizes the licensee to possess, store and provide liquor from the licenced premises for consumption in the licenced premises in relation to a private event specified in the licence;

d) hospitality licence: authorizes a liquor agency or a liquor supplier described in section 1 CO ©(*) or (iii) of the Act to possess, store and provide liquor in the licenced premises for consumption in the licenced premises in relation to an event specified in the licence;

e) competition licence: authorizes

   i) the licensee to transport home-made wine, cider or beer to and from the licenced premises at which the competition specified in the licence will take place,

   ii) the licensee to display the home-made wine, cider or beer in the licenced premises during the period of time specified in the licence, and

   iii) the people judging and participating in the competition to taste the home-made wine cider or beer in the licenced premises;

f) industrial use licence: authorizes licensee to possess, store and use liquor in the licenced premises for the purposes of an industrial, mechanical, food processing or manufacturing business.
Situations Involving Minors

Minors on licenced premises (GLA)

74 (1) If a person who appears to be minor requests to purchase or be given liquor from a liquor licensee, the licensee or other person whom the request is made must, before granting the request, demand that the person who appears to be a minor provide proof of age.

74 (2) No minor may enter or be in any licenced premises if the licence prohibits minors from entering into or being in the licenced premises.

74 (3) No liquor licensee may permit a minor to enter or be in any licenced premises if the licence prohibits minors from entering into or being in the licenced premises.

74 (4) If a person who appears to be a minor enters licenced premises which a minor is not entitled to enter or be in, the liquor licensee must demand that the person who appears to be a minor produce proof of age.

74 (5) If a person makes a request for identification under subsection (1) or (4) and the person who appears to be a minor fails to produce identification that is satisfactory to the person making the request, the liquor licensee must

a. not serve liquor to that person, and

b. refuse the person entry or ask the person to leave if the licence prohibits a minor from entering and being in those licenced premises.

Supplying liquor to minor (GLA)

75 No person may give or sell or permit any person to give or sell liquor to a minor in licensed premises.
Situations Involving Minors (continued)

Minors (GLA)

87 (1) Subject to subsection (3) and section 88, no minor may
   a. purchase or attempt to purchase liquor;
   b. obtain or attempt to obtain liquor;
   c. possess or consume liquor.

87 (2) Subject to subsection (3) and section 88, no person may sell, attempt to sell or
give liquor to a minor.

87 (3) An adult who is the parent, guardian or spouse or adult interdependent partner of
a minor and who is in lawful possession of liquor may give the liquor to a minor in
a residence or a temporary residence.

Hours of liquor sale and consumption (GLR)

92 (1) Subject to any conditions affecting a licence, a Class A, B, C, D, duty free store
or special event liquor licensee may provide or sell liquor in licenced premises
   a) during hours specified under Schedule 3, or
   b) if the board specifies hours under subsection (3), during those hours.

Schedule 3: Maximum Hours that Liquor may be Sold or Provided

<table>
<thead>
<tr>
<th>1 Class A, B or C liquor licence</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. For all licensed premises other than those specifically mentioned in this item</td>
<td>10:00 am - 2:00 am</td>
</tr>
<tr>
<td>b. Convention centre, public conveyance, canteen, travellers' lounge</td>
<td>Hours are set by board</td>
</tr>
<tr>
<td>c. Race track</td>
<td>2 hours before post time until end of last race, but subject to the hours set out in clause (a)</td>
</tr>
<tr>
<td>d. Sports stadium that is subject to stadium bylaws</td>
<td>During the hours specified in the stadium bylaws, but subject to the hours set out in clause (a)</td>
</tr>
<tr>
<td>e. Sports stadium that is not subject to stadium bylaws</td>
<td>2 hours before start of event until end of event, but subject to the hours set out in clause (a)</td>
</tr>
<tr>
<td>f. Theatre</td>
<td>2 hours before opening curtain until final curtain, but subject to the hours set out in clause (a)</td>
</tr>
</tbody>
</table>

2 Class D liquor licensed

| 2a A retail liquor store license | 10:00 am - 2:00 am |
| 2b General merchandise liquor store | 10:00 am - 2:00 am |
| 2c General off sales license | 10:00 am - 2:50 am |
| 2d Manufacturer's off sales license | 10:00 am - 2:00 am |
| 2e Sacramental wine resale license | 9:00 am - 9:00 pm |
| 2f Delivery service license | 10:00 am – 1/2 hour after last purchase was made |

3 Duty free license

| 3 Duty free license | Hours are set by board |

4 Special event license

| 4a Special event licences except public resale licences | 6:00 am - 2:00 am |
| 4b Public resale licence | 10:00 am - 2:00 am |
92 (2) No person may consume liquor in licensed premises under a Class A, B, C or special event liquor licence unless the consumption occurs

a) during the period that liquor may be sold and one hour after that period, or

b) if the board specifies a period under subsection (3), during that period.

Removal of liquor from premises

Removal of liquor from premises (GLR)

91.1 (2) No liquor licensee or employee or agent of a liquor licensee may allow a person to remove liquor from licensed premises except a partially consumed bottle of wine sold or provided to that person by the licensee.  AR 253/97 s10

Transportation of liquor (GLR)

87.1 (1) Liquor may be transported under section 83 of the Act only in accordance with this section.

87.1 (2) Except as otherwise provided for in the Act or in a liquor licence, no person may

a. transport liquor unless the liquor is in a container that is capped, corked or otherwise closed, whether or not the container has been previously opened;

b. transport liquor in a vehicle if the liquor is within easy access of an occupant of the vehicle.

Delivery of Liquor

Class D Liquor Licence (GLR)

47  f. delivery service licence: authorizes the licensee

i) to take orders from an adult who wishes to purchase liquor,

ii) to purchase liquor to fill the order from the retail or general merchandise liquor store licensee or a general or manufacturer’s off sales licensee,

iii) to deliver the liquor to the adult who ordered it at a place where it is lawful to store or consume the liquor, and

iv) to sell the liquor to the adult who ordered it.
**Liquor to intoxicated customers**

**Duty to intoxicated person (GLA)**

75.1 No liquor license may
- sell or provide liquor in the licensed premises to a person apparently intoxicated by liquor or a drug,
- permit a person apparently intoxicated by liquor or a drug to consume liquor in the licensed premises, or
- permit a person apparently intoxicated by liquor or a drug to take part in a gaming activity or provincial lottery that is conducted in the licensed premises.

**Liquor Pricing (Licensee Handbook)**

5.2.1 The amount of liquor in a drink (i.e., # of ounces or milliliters) and the price must be specified on a menu or list price.

5.2.3 Class A, B and C (except canteen or adult residence) licensees, as well as Commercial Public Special Event licensees, may not sell, or offer to sell, liquor less than the following minimum prices:

- Spirits and liqueurs: $2.75 / 28.5 mL (1 oz) or less;
- Wine: $0.35 / 28.5 mL (1 oz)
- Draught beer: $0.16 / 28.5 mL (1 oz); and
- Bottle/Canned Beer, Cider or Coolers: $2.75 / 341 mL bottle or 355 mL can.

Note: GST is not included in above prices.

5.2.4 If a serving of spirits or liqueurs exceeds 28.5 mL, the minimum price of the drink must be based on the single serving menu price and increase in direct proportion to the volume served based on the minimum price of $2.75. For example, if a single serve drink has a menu price of $5.00, the following minimum prices apply to similar drinks containing more than 28.5 mL of spirits or liqueurs:

- a) drinks containing 43 mL (1.5 oz) of spirits or liqueurs – the minimum price required is $6.37 ($5.00 + $1.37)
- b) drinks containing 57 mL (2 oz) of spirits or liqueurs – the minimum price required is $7.75 ($5.00 + $2.75); and
- c) drinks containing 85.5 mL (3 oz) of spirits or liqueurs – the minimum price required is $10.50 ($5.00 + $2.75 + $2.75).

5.2.5 “Happy hours” refer to periods of time where a licensed premises:
- reduces the regular price of liquor posted in the liquor menu; or
- offers specific brands or types of liquor at reduced prices.

5.2.6 “Happy hours” must end by 8 p.m.

5.2.7 “Happy hour” pricing must not be below the minimum prices specified in sections 5.2.3 and 5.2.4

5.2.8 A licensee is not allowed to offer:
- free liquor specials;
- more than one (1) drink for a single price (e.g., “2 for 1” specials, or “triples for the price of a single”); and
- “all you can drink” specials for a fixed cost.

5.2.10 Liquor sale activities must not promote intoxication
Sale of illegal liquor

Sale at licenced premises (GLA)

68 (1) No liquor licensee or employee or agent of a liquor licensee whose licence authorizes the sale or provision of liquor at licenced premises may sell, offer to sell or provide liquor at the licensed premises

a. unless the liquor was purchased from the Commission or acquired in accordance with board policies, and

b. except during the hours and on the days when the liquor may be sold or provided from the licensed premises unless the licensee's licence authorizes those activities.

Conduct on licensed premises

Conduct on licensed premises (GLA)

69 (1) No liquor licensee or employee or agent of a liquor licensee may permit any activity in the licensed premises that

a. is contrary to any municipal bylaw or any Act or regulation of Alberta or Canada,

b. is detrimental to the orderly operation of the premises,

c. may be injurious to the health or safety of people in the premises, or

d. is prohibited under the licence or by the regulations.

69 (2) No person may do anything in licenced premises that

a. is detrimental to the orderly operation of the premises,

b. may be injurious to the health or safety of people in the premises, or

c. is prohibited under the licence or by the regulations.

Entertainment on premises

Games, entertainment and dancing (GLR)

95 (1) Subject to this section, entertainment, games and dancing are permitted in licensed premises,

95 (2) A liquor licensee must comply with any conditions or orders established by the board respecting entertainment, games or dancing in the licenced premises.

Nude Entertainment (Licensee Handbook)

5.11.1 “Nude” means the exposure of genitals (male or female) and/or breasts (female), whether the person is fully or partially unclothed. These body parts are considered exposed if covered only by paint or another non-fabric substance (e.g., mud, ink, tape, etc.).

5.11.2 “Physical contact” means person-to-person touching or the use of a device or prop to touch another person (e.g., a paint brush).

5.11.3 Nude entertainment is allowed at a:

a) Class A Minors Prohibited licensed premises;

b) Class C licensed premises; and

c) Class A Minors Allowed licensed premises;

i) in a banquet room for a private function; or

ii) that has a licence endorsement prohibiting minors during the hours the nude entertainment is taking place.
5.11.4 A standardized warning sign must be posted at all entrances to the licensed premises and plainly visible to anyone entering: “Warning: Nude entertainers appearing within these premises. Some patrons may find this offensive.”

5.11.5 Minors are not allowed to:
   a) perform as nude entertainers; or
   b) enter a licensed premises during nude entertainment.

5.11.6 A licensed premises with nude entertainment must provide:
   a) a stage or enclosed dance floor, separated from the patron seating area by at least one (1) metre;
   b) a change room for the entertainers; and
   c) a clear pathway between the stage/dance floor and the change room.

5.11.7 While on the licensed premises, entertainers must:
   a) be fully clothed before and after performances and at all times when not on the stage;
   b) move directly between the change room and the stage/dance floor; and
   c) not have physical contact of any kind with licensee staff or patrons before, during or after performances (see Section 5.11.9)

5.11.8 During a performance, neither patrons nor entertainers may enter the one (1) metre separation between the stage/dance floor and the patron seating area.

5.11.9 Two or more entertainers may perform at the same time with the following conditions:
   a) The entertainers must perform independently of each other and stay at least one (1) metre apart at all times.
   b) The entertainers may not interact with each other or have any physical contact, clothed or nude.
   c) Advertising cannot promote “duos” or other similar activities.

5.11.10 Nude entertainment must not involve:
   a) the use of animals, birds or reptiles;
   b) the use of props or devices of a sexual nature or which have a sexual connotation;
   c) real or simulated acts of violence;
   d) insertion of objects into, or extraction of objects from, the body of an entertainer;
   e) table or lap dancing.

5.11.11 No sign or photograph displaying nudity may be used in advertising, including:
   a) advertising on the exterior of the licensed premises;
   b) print advertising; and
   c) electronic advertising (includes the Internet).

5.11.12 Licensee staff other than entertainers are not allowed to be nude while on duty.

5.11.13 Nude entertainment is not allowed at a VLT location.
Leaving licensed premises when requested (GLA)

70 No person may

a) remain in licensed premises after having been requested to leave the premises by the liquor licensee or an employee or agent of the liquor licensee, or

b) enter licensed premises after having been forbidden to enter the premises by the liquor licensee or an employee or agent of the liquor licensee.

Minors in licensed premises (GLR)

94(1) No person may employ a minor for the sale or serving of liquor in licensed premises.

(2) The following exceptions apply when a liquor licence prohibits minors from entering into or being in the licensed premises:

(a) a minor who is the son, daughter, spouse or adult interdependent partner of the liquor licensee or of the manager of licensed premises may enter and remain in the licensed premises during the hours and on the days when the sale or consumption of liquor in those premises is prohibited;

(c) a minor who is engaged by a liquor licensee to repair or service equipment or to repair furnishings in licensed premises may, with the authority and under the supervision of the licensee, enter, be in and remain in the licensed premises for the time required to complete the repairs or services;

(d) a minor may enter, be in or remain in licensed premises under a Class D liquor licence or duty free store licence if the minor is accompanied by an adult who is the parent, guardian, spouse or adult interdependent partner of the minor and who is in the licensed premises for the purpose of purchasing liquor.

Minors (Licensee Handbook)

5.5.8 Licensee staff are required to ask for proof of age whenever a person who appears to be under 25 years of age attempts to buy liquor or to enter a licensed premises where minors are prohibited. If unsatisfied a person is at least 18 years of age, licensee staff must refuse entry or ask the person to leave.
**Entertainment on premises (continued)**

7.8.3. During the entertainment

   a. Physical contact of any kind is not permitted between the nude entertainer, staff and patrons before, during, or after the performance. This includes touching or the use of devices (e.g., paint brushes, lap dancing) to make physical contact with the entertainer.

   b. Patrons may not enter the area where the performance is occurring (i.e., the stage or enclosed dance floor) at any time during the performance. Similarly, the entertainer may not leave the stage or enclosed dance area during the performance.

   c. There must be at least one metre (three feet) separating the stage or enclosed dance floor and the patron seating area. Neither patrons nor dancers may enter this area.

      i. Table dancing/entertainment is prohibited at all times.

      j. Lap dancing/entertainment is prohibited at all times.

7.8.4. After the entertainment ends

   b. The entertainer must go directly to the dressing room or change room and be fully clothed before re-entering the licensed premises.

**Inducements and buy/sell agreements**

**Agreements with liquor suppliers and agencies (GLA)**

66 (1) Unless the regulations provide otherwise, no liquor supplier or liquor agency may enter into an agreement with a liquor licensee whose licence authorizes the sale of liquor to customers for their own consumption in which the licensee agrees to sell the liquor of the supplier or agency.

66 (2) Unless the regulations provide otherwise, no liquor licensee whose licence authorizes the sale of liquor to customers for their own consumption may enter into an agreement with a liquor supplier or liquor agency in which the licensee agrees to sell the liquor of the supplier or agency.

66 (3) Unless the regulations provide otherwise, an agreement entered into in contravention of subsections (1) and (2) is void.
**Product Promotions**

*Advertising and promoting of liquor (GLA)*

67 (1) The board may make policies respecting the advertising and promoting of liquor or products that contain liquor.

67 (2) Every liquor licensee, liquor supplier, liquor agent and registrant under this Part must comply with the policies.

**Co-operation with Inspectors and Police Officers**

*Inspectors (GLA)*

98 (1) The Commission may, in writing, designate any employee of the Commission or any other person as an inspector.

98 (2) Every police officer as defined in the Police Act is an inspector for the purposes of this Act.

*Obstruction of inspector (GLA)*

99 No person may hinder, obstruct or impede an inspector in the performance of the inspector's duties or in the exercise of the inspector's powers.

*Duty to assist inspector (GLA)*

104 A licensee, a registrant, an application for a licence or registration and a common carrier and their officers, employees and agents must, on the request of an inspector, the Commission or an employee of the Commission,

a. assist the inspector in carrying out an inspection under section 103, and

b. provide the inspector with records, documents, books of account and receipts and provide a place where they may be inspected, audited, examined or copied.
Penalties
Commission penalty guidelines (Licensee Handbook)

13.2.1 The Board may discipline a licensee for alleged violation(s) by imposing a penalty. Under Section 91(2) of the GLA, the Board may do any of the following without a Board Hearing:

a) issue a warning;

b) impose condition on a licence or remove or change the existing conditions on a licence;

c) impose a fine on a licensee of up to $200,000 and refuse to issue or reinstate a licence until the fine is paid; and/or

d) suspend or cancel a licence.

13.2.10 The Board has established penalty guidelines for specific violations (attached). Penalties may vary from the guidelines at the discretion of the Board, depending on the circumstances of the violation.

Refer to the Commission Penalty Guidelines (13.2 Licensee Handbook) for more detailed information about disciplinary measures normally taken by the Alberta Gaming and Liquor Commission respecting violations of the Gaming and Liquor Act, Gaming and Liquor Regulation, an Order of the Board or a condition of a licence, pursuant to Section 91 of the Gaming and Liquor Act. Penalties may vary from the guidelines in mitigating or extreme circumstances. The Board, when making an Order under Section 91(2) of the Gaming and Liquor Act, will consider the relevant disciplinary record of the licensee/registrant and that of any affiliated business or corporation which holds a licence or registration issued under the Act. The Gaming and Liquor Act and the Gaming and Liquor Regulation should be referenced for the actual wording of these and other violations.

The following table outlines violations and possible penalties. The number of successive violations of a similar nature impacts the amount of the fine. A range of fines is indicated for summary purposes.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Penalties (one or all can apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal activity, for example: Activities that contravene municipal</td>
<td></td>
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<tr>
<td>by-laws, federal or provincial laws</td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $20,000 fine</td>
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<tr>
<td><strong>MINORS</strong></td>
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<tr>
<td>Selling liquor to a minor</td>
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<td></td>
<td>Up to 24 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $10,000 fine</td>
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<tr>
<td>Allowing a minor in premises where minors are prohibited</td>
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<td></td>
<td>Up to 32 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $8,000 fine</td>
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<tr>
<td>Failing to request identification from a person who appears to be</td>
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<td>under 25 years of age</td>
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<td></td>
<td>Up to 24 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $6,000 fine</td>
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<tr>
<td><strong>INTOXICATION</strong></td>
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<td>Selling liquor to a person apparently intoxicated</td>
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<td></td>
<td>Up to 80 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $20,000 fine</td>
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<tr>
<td>Permitting a person apparently intoxicated to consume liquor on a</td>
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<td>licensed premises</td>
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<td></td>
<td>Up to 80 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $20,000 fine</td>
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<tr>
<td><strong>REMOVAL OF LIQUOR</strong></td>
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<td>Allowing a person to remove alcohol from licensed premises</td>
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<td>where the licence specifies the liquor must be consumed on-site</td>
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<td></td>
<td>Up to 40 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $20,000 fine</td>
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<tr>
<td><strong>SALE OR CONSUMPTION AFTER HOURS</strong></td>
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<td>Selling or providing liquor during hours not permitted or on a day</td>
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<tr>
<td>not permitted</td>
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<td></td>
<td>Up to 30 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $20,000 fine</td>
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<tr>
<td><strong>ENTERTAINMENT</strong></td>
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<td>Providing entertainment that is prohibited</td>
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<td></td>
<td>Up to 28 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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<td></td>
<td>Up to $4,000 fine</td>
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<tr>
<td><strong>OBSTRUCTION</strong></td>
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<tr>
<td>Obstructing, hindering, or impeding an inspector</td>
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<td></td>
<td>Up to 28 day licence suspension</td>
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<td></td>
<td>Cancellation of licence</td>
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