

## Legislation Excerpts

The appendix contains excerpts from the Saskatchewan Liquor and Gaming Authority (SLGA) Liquor Permittee Manual, The Alcohol and Gaming Regulation Act, and The Alcohol Control Regulations 2002, grouped according to the following topics as addressed in Lesson 1.3.

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

**For more detailed information, please refer to the most current and complete copy of the legislation.**

### **Special Occasion Permit**

The following subclasses of a special occasion permit are established:

- a) Sale permit: for functions held to raise funds for charitable, educational, religious or community service purposes. Can also be used for social functions open to the public. Minors may attend only with SLGA approval and if accompanied by their parent, legal guardian, or spouse of legal age;
  
- b) Cost recovery permit: authorize the sale of alcohol at a price sufficient to recover the cost of the alcohol. These permits are available only for private family celebrations and events such as weddings or birthdays. Minors may attend;
  
- c) Non-sale permit: are for private functions where alcohol is served but not sold. This permit is commonly used for staff parties, weddings, reunions and other family functions, open to invited guests only. Minors may attend;
  
- d) Annual permit (regular): available for organizations that hold regular meetings. They cannot be used for social functions. Meetings are open to members and invited guests only. Minors who are members of the organization may attend the meetings under a "Non-Sale Annual Permit" (cannot charge for alcohol). For a "Sale Annual Permit" (permittee may charge for alcohol), minors may only attend the meetings if accompanied by a parent, legal guardian, or spouse who is of legal age;
  
- e) Annual permit (seniors organizations): available for organizations, a majority of whose members are 55 years of age or older. They are to be used for regularly scheduled social functions. Events are restricted to members and invited guests only. Minors may attend the events under a "Non-Sale Annual Permit". Minors may attend under a "Sale Annual Permit" if they are accompanied by their parent, legal guardian, or spouse of legal age.

## Hours of liquor sale and consumption

<b>Restaurant, Tavern, Special Use Permit</b>	<b>* After the sale of alcohol ceases, a permit holder must remain open at least a half an hour, but no longer than an hour, to allow patrons to finish their drinks.</b>
Monday to Saturday	9:30 a.m. - 2 a.m.
Sunday, Good Friday, Christmas Day, Remembrance Day & Boxing Day	12:00 p.m. - 2 a.m.
December 31st	9:30 a.m. - 2:30 a.m. 12:00p.m. - 2:30 a.m. = if falls on a Sunday
<b>Nightclubs (Type of Tavern Permit)</b>	<b>* Tavern/ nightclubs providing meal service may obtain special authorization to open regular hours. (9:30 a.m. - 2:00 a.m.)</b>
Monday to Sunday	5:00 p.m. - 2:00 a.m.
Sunday, Good Friday, Christmas Day, Remembrance Day & Boxing Day	5:00 p.m. - 2:00 a.m.
December 31 <sup>st</sup>	5:00 p.m. – 2:30 a.m.
<b>Special Occasion Permit</b>	<b>* A permit holder must cease serving alcohol no less than half an hour prior to the expiration of the permit.</b>
Monday to Saturday	9:30 a.m. - 2:30 a.m.
Sunday	12:00 p.m. - 2:30 a.m.
December 31st	9:30 a.m. - 3:00 a.m.
December 31st, if it falls on Sunday	12:00 p.m. – 3:00 a.m.

## Delivery of Liquor

Permittees with off-sale privileges that hold a Home Delivery Permit may deliver beverage alcohol. A Home Delivery permit holder is authorized to take an order for the delivery of beverage alcohol to a private place for a fee to an individual that is not a minor.

## Situations Involving Minors

### General Prohibition against Minors

- i) A minor is a person under the age of 19 years. A permit holder or the employees of an establishment must not:
  - sell or give beverage alcohol to a minor; or
  - Allow a minor to be present in the establishment unless authorized by *The Alcohol and Gaming Regulation Act*, *The Alcohol Control Regulations*, or a minors endorsement on a permit.
- ii) A permit holder must obtain a "minors endorsement" from the Authority before minors may be allowed to be present as non-drinking patrons or employees in an establishment or its adjacent areas. Specific minor's endorsements provide minors with limited access to establishments which are typically minor-restricted (e.g., "Sunday Brunch" in lounges, "Family Dining" in taverns, Minors in Off-sale area, etc.).
  - A "minor's endorsement" allows access by minors as non-drinking patrons or employees. Minors may be employed to provide professional entertainment and emergency maintenance in establishments which are typically minor-restricted.
  - A "minors in off-sale endorsement" allows minors limited access to the off-sale area if the off-sale area is separate from the tavern area. Minors are allowed access to the off-sale area when accompanied by their parent, legal guardian or spouse that is of legal age who is a patron of the off-sale.
- iii) A minor, who is the son, daughter, or spouse of a permit holder, or manager, may be present in the establishment or its adjacent areas when beverage alcohol service is prohibited. A minors endorsement is not required in this situation.

### Checking Identification for Minors

- i) A permit holder or the employee of an establishment must demand proof of age from a person if it appears that the person is a minor and the person:
  - is attempting to enter an establishment or any of its adjacent areas where minors are prohibited; or
  - is attempting to purchase beverage alcohol.

If a person fails or refuses to produce satisfactory proof of age identification, the permit holder or the employees of the establishment must ask the person to leave the establishment immediately or refuse beverage alcohol service.

## Liquor to intoxicated customers

A permit holder and the employees of an establishment must not:

- i) sell or serve beverage alcohol to a patron who is or appears to be intoxicated;
- ii) allow an intoxicated patron to consume beverage alcohol;
- iii) allow an intoxicated person to remain in the establishment.

## Removal of liquor from premises

### Removal of liquor from premises (GLR)

Except in the case of retail premises, no permittee or employee of a permittee may allow a person to remove liquor from the permitted premises.

A permit holder that sells wine by the bottle is required, when requested by the customer, to recork a bottle of wine that was purchased at the permitted premises. This allows customers to legally remove and transport the unfinished bottle of wine from the permitted premises.

A restaurant permit holder with a “wine off-sale” endorsement may sell wine, in closed containers, to a patron for consumption off the premises. The patron must not be a minor and must have consumed a meal in the restaurant establishment.

## Sale of illegal liquor

### Illegal Sources of Beverage Alcohol

- i) A permit holder or employees of an establishment must not allow any unauthorized or illegal beverage alcohol to be present or sold in the establishment. Examples include:
  - any beverage alcohol not purchased directly from the Authority, its stores, or an approved source;
  - U-Brew/U-Vin product or other homemade wine, beer, cider, or spirits;
  - any beverage alcohol purchased in other Canadian provinces, United States, and other foreign countries; and
  - any beverage alcohol brought into the establishment by patrons.

## Conduct on premises

No permittee, agent, or employee of a permittee shall permit any riotous, quarrelsome, and violent or disorderly conduct to take place on the permitted premises or the place described in a permit.

No person shall engage in any riotous, quarrelsome, violent, or disorderly conduct in a permitted

premises or in the place described in a permit.

## Entertainment on premises

### General Prohibitions

- i) The *Alcohol and Gaming Regulation Act* prohibits a permit holder from allowing any entertainment, game, sport, or other activity in an establishment that:
  - is unlawful;
  - may be detrimental to the orderly operation of the establishment;
  - has been prohibited by the municipality; or
  - is prohibited by *The Alcohol Control Regulations*

### Mandatory Forms of Entertainment

- i) The key feature of a tavern-nightclub is the provision of live entertainment during evening hours. Entertainment is to be offered every day that the tavern-nightclub is open. Forms of entertainment may include:
  - live music provided by a band, vocalist or singing group; recorded music or karaoke provided by a disc jockey; or live individual performances provided by a comedian.
- ii) A sports facility with a special use permit must provide the sport which allowed it to qualify for the permit.

### Strip Tease or Nude Entertainment

- i) *The Alcohol Control Regulations* prohibit any activity or entertainment that consists of nudity, a strip tease performance, or a wet clothing contest.

## Inducements and buy/sell agreements

The Alcohol and Gaming Regulation Act designates the Authority as the sole legal supplier of alcohol in Saskatchewan. Therefore, an establishment's alcohol inventory, including off-sale inventory, must be purchased from the Authority, its stores or the following approved sources:

- A franchise;
- A brewer's association authorized to warehouse, sell on behalf of the Authority, and deliver beer;
- In the case of special use permit holders for curling rinks or golf courses, beer, wine or coolers may be purchased from a tavern permit holder with an off-sale endorsement;
- In the case of Home Delivery Permit holders, beverage alcohol may be purchased from liquor stores, franchises or an off-sale establishment; and
- In the case of a sale or lease of an establishment, the alcohol inventory of the former owner or tenant may be purchased by the new owner or tenant.

The Alcohol and Gaming Regulation Act prohibits a permit holder or an applicant for a permit from

accepting financial or material inducements from a manufacturer.

The purpose of this provision is:

- To prevent a permit holder from promoting or selling certain products (except at theatres, concert halls, sports stadiums and premises where fairs and exhibitions are held);
- To ensure that the permit holder's decision to promote and sell certain products is based upon facts such as quality, price, and consumer demand; and
- To allow a permit holder to accept legitimate promotional items or services to promote a manufacturer or its product.

## **Product Promotions**

A permit holder or an applicant for a permit may purchase or accept free of charge various promotional items or services from a manufacturer, or any of its directors, officers, shareholders, employees, or agents. The promotional items or services must be:

- i) non-essential to the operation of the establishment;
- ii) normally of a nominal value; and
- iii) For promotional use in the establishment, or in exceptional cases, for the general benefit of the establishment's business.

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

### **Inspectors**

- i) The Authority may:
  - appoint persons or categories of persons for the purpose of enforcing all, or any provision, of this Act,
  - appoint any person to conduct investigations for the purpose of this Act, and
  - Delegate to any employee of the authority any or all of its powers, including the power to issue, grant, refuse, suspend or cancel permits, and the power to assess penalties pursuant to section 39.1.

### **Investigations**

- i) The Authority may make investigations through persons appointed by the authority pursuant to section 10 for the purpose of doing all or any of the following:
  - determining whether or not a permit, or endorsement should be suspended or cancelled; and
  - inspected permitted premises or premises for which a permit or endorsement has been granted for the purpose of ascertaining whether or not this Act, the regulations or the terms of the permit or endorsement are being complied with.

### **Access to Premises**

- i) Every permittee shall allow an officer access to his, her, or its premises, books, records, or other documents at all reasonable times for the purpose of making any inspection that the authority or

other officer considers necessary.

- ii) Where any book, record, or other document has been examined pursuant to subsection (1), the officer may make copies of the book, record, or other document.

## Penalties

The Authority normally uses a progressive system of discipline when it proposes a sanction against a permit holder. Where a permit holder commits consecutive violations, the Authority typically proposes harsher sanctions for each corresponding violation. However, in cases of serious misconduct, the Authority may find the progressive system of discipline to be an unacceptable approach. In those cases, the Authority evaluates the nature of the violation, the surrounding facts and other relevant factors, and where warranted, a harsher sanction may be imposed.

VIOLATION	PENALTIES
Illegal activity, for example: Activities prohibited by municipal, federal or provincial laws.	<ul style="list-style-type: none"> <li>\$500 - \$10,000 fine</li> <li>permit suspension or cancellation</li> </ul>
MINORS	
Selling alcohol to a minor.	<ul style="list-style-type: none"> <li>\$1,000 - \$10,000 fine</li> <li>imprisonment for a maximum term of two months</li> <li>permit suspension or cancellation</li> </ul>
Allowing minors in premises where minors are prohibited.	<ul style="list-style-type: none"> <li>\$500 - \$10,000 fine</li> <li>permit suspension or cancellation</li> </ul>
Failing to request ID in the premises where a minor is not entitled to be.	<ul style="list-style-type: none"> <li>\$500 - \$10,000 fine</li> <li>permit suspension or cancellation</li> </ul>
INTOXICATION	
Selling liquor to a person apparently intoxicated.	<ul style="list-style-type: none"> <li>\$1,000 - \$10,000 fine</li> <li>permit suspension or cancellation</li> </ul>
OVER CROWDING	
Allowing the entry of persons into a premises to exceed the maximum number of persons allowed	<ul style="list-style-type: none"> <li>\$500 - \$10,000 fine</li> <li>permit suspension or cancellation</li> </ul>
SALE OR CONSUMPTION AFTER HOURS	
Selling or supplying alcohol during prohibited hours or days.	<ul style="list-style-type: none"> <li>\$500 - \$10,000 fine</li> <li>permit suspension or cancellation</li> </ul>
ENTERTAINMENT	
Providing entertainment that is prohibited.	<ul style="list-style-type: none"> <li>\$500 - \$10,000 fine</li> <li>permit suspension or cancellation</li> </ul>
OBSTRUCTION	
Obstructing, hindering, or impeding an inspector.	<ul style="list-style-type: none"> <li>\$500 - \$10,000</li> <li>permit suspension or cancellation</li> </ul>