

Attorney General Mike de Jong this afternoon introduced the Bill 20: The Miscellaneous Statutes Amendment Act No. 3 , 2010. Included in this bill are a number of proposed amendments to the Liquor Control and Licensing Act .

The proposed legislative amendments enhance public safety, modernize the Liquor Control and Licensing Act, and de-regulate aspects of the liquor hospitality industry. They include many significant changes to the current liquor licensing system, compliance and enforcement powers and industry relationships.

Bills must pass through several stages before becoming law. The final stage is formal approval by the Lieutenant Governor who signs the bill and it becomes law. The whole process from introduction in the house to Royal Assent may take several weeks. For some of the items proposed, this is all that is required. Other changes will require regulations before coming into force. In this case, the necessary regulations will be drafted and forwarded for Cabinet approval. They will then come into force on the date specified in the regulation.

The key changes are listed below. Those with an asterisk beside them will come into force upon Royal Assent. The remaining items will require regulations. For a copy of the actual bill, click here: http://www.leg.bc.ca/39th2nd/1st_read/gov20-1.htm The proposed liquor amendments are in sections 114-158 and 173.

Major public safety initiatives:

- Clarify statutory 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 – currently in place through branch policy *
- Allow the LCLB general manager to temporarily suspend liquor licences for up to 14 days without a hearing in extraordinary circumstances *
- Allow the LCLB and police to hire minors to help monitor whether licensees are complying with ID checking rules – minors would be under supervision and not allowed to consume alcohol *
- Clarify that it is illegal to have open liquor in public *
- Provisions 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

Streamlining, good governance and deregulation initiatives:

- Allow for seniors' care homes to serve liquor to residents and their guests – liquor service is currently restricted to residents
- Provision to simplify the process for local government/First Nation input on low risk liquor-primary licence applications (e.g., small capacity lounges)
- Allow the LCLB general manager to reinstate a licence if it is renewed after the expiry date

- Provision to permit financial relationships between liquor manufacturers and licensees (except for UBrews/UVins)
- Provision to modernize trade practice relationships between liquor manufacturers and licensees
- Transfer the club licence provisions from the Act to the Regulations
- Consolidate all gaming regulations within the Gaming Act, to be regulated by the Gaming Policy and Enforcement Branch *
- Provision to allow liquor manufacturers and agents to donate liquor to charity special occasion licence events
- Allow all licensees to support and sponsor community activities and events – currently only liquor manufacturers may sponsor events *
- Add herbal remedies containing alcohol to the list of products that may be exempted from the Liquor Control and Licensing Act *
- Allow licensees to pre-mix drinks *
- Provision to amend the process for bringing in small amounts of alcohol into BC from elsewhere in Canada for personal use
- Clarify that agents may not sell to the public or to licensees, but may sell to Liquor Distribution Branch (LDB) *
- Allow the LDB general manager (rather than minister) to decide how forfeited liquor will be disposed *
- Repeal redundant provisions about reporting the value of seized liquor to the Minister of Finance *
- Eliminate the requirement that police notify the LCLB general manager in writing whenever they seize liquor *
- Provision to allow certain rural agency stores in remote areas to sell to licensees as is presently permitted under their appointment

For more information please contact either myself or Barry Bieller (Barry.Bieller@gov.bc.ca)

Regards,

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