

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

During the most recent sitting of the Legislature, government passed Bill 20, the Miscellaneous Statutes Amendment Act (No. 3), 2010. Bill 20 included a number of changes to the Liquor Control and Licensing Act.

Some of the changes took effect on June 3, 2010 once the bill received Royal Assent and was signed by the Lieutenant Governor; other changes will not come into effect until regulations are drafted and forwarded to Cabinet for approval.

The main changes that take effect now are summarized below:

- In extraordinary circumstances, 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. Under the present system of monitoring ID compliance by employing youthful looking adults, the branch cannot take enforcement action for non-compliance because legally, these individuals are not underage. 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.
- 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 Similarly, provisions about reporting the value of seized liquor to the Minister of Finance have been repealed.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 following changes will require regulations before coming into force:

- 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
- Provision to simplify the process for local government/First Nation input on low risk liquor-primary licence applications (e.g., small capacity lounges)
- Provision to allow the LCLB general manager to reinstate a licence if it is renewed after the expiry date
- Provision to permit ownership links between liquor manufacturers and licensees (except for UBrews/UVins) beyond what is presently permitted to provide additional investment and marketing opportunities for both groups.
- Provision to update and relax the rules governing how liquor manufacturers can promote their products within licensed establishments.

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 several 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>