

(Consolidated up to 4/2005)

ALBERTA REGULATION 143/96

Gaming and Liquor Act

GAMING AND LIQUOR REGULATION

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Interpretation

1(1) In this Regulation,

- (a) “bingo event” means a bingo game or a series of bingo games;
- (b) “canteen” means premises where liquor is sold for consumption in the premises and that are under the direction of
  - (i) the Canadian Forces, for the use of military personnel and their guests,
  - (ii) a police service, for the use of members and their guests, or
  - (iii) a federal or provincial correctional training facility, for the use of correctional personnel and their guests;
- (c) “club” means any non-profit association or organization that
  - (i) is incorporated, continued or registered under the laws of Alberta or Canada,
  - (ii) has not fewer than 50 members unless otherwise approved by the board, and
  - (iii) has a constitution or by-laws satisfactory to the board;
- (d) “convention centre” means a facility designed and used for the holding of conventions, meetings, receptions, trade shows, conferences and other events;

(e) “financial interest” includes any direct, indirect or contingent interest

(i) whether as owner, partial or otherwise, of an interest, beneficial owner, owner of shares or owner through trusteeship, investment or otherwise,

(ii) in management, whether by management agreement, partnership agreement or other agreement, or

(iii) because of having loaned or advanced or caused to be loaned or advanced money or any thing of value, with or without security;

(f) “hotel” means an integrated facility established primarily for the purpose of providing lodging, food and beverage services to the travelling public and that provides one or more related services, such as room service or telephone and laundry services;

(g) “institution” means

(i) a post-secondary educational institution, or

(ii) a residential facility for adults, hospital, sanatorium or nursing home;

(h) “linked bingo” means a bingo game played by participants at different locations in which the locations are linked by a communication system;

(h.1) “prize bond” means a bond of a class that gives the holder of the bond a chance to win prizes that are payable by the bond issuer from the proceeds of investing the principal of that class of bond;

(i) “provide”, in respect of liquor, means to provide on any basis other than by sale;

(j) “public conveyance” includes commercial aircraft, trains and buses, other than local transit, and water excursion craft licensed to operate in Alberta;

(k) “race track” means a facility used primarily for horse racing regulated under the *Horse Racing Alberta Act*;

(l) “recreational facility” means a facility where members of the public may engage in recreational activities throughout the year or on a seasonal basis;

(l.01) “relationship of interdependence” means a relationship of interdependence as defined in the *Adult Interdependent Relationships Act*;

(l.1) “relative”, in respect of one individual, means any other individual who is connected to that individual

- (i) by blood relationship,
- (ii) by marriage,
- (ii.1) by virtue of an adult interdependent relationship, or
- (iii) by adoption;

(m) “sports stadium” means a stadium, arena or other facility built for the primary purpose of staging sporting events;

(n) “theatre” means a facility where members of the public may watch the performance of theatrical, musical or other entertainment;

(o) “travellers’ lounge” means a room restricted to passengers waiting to board a public conveyance.

**(2)** For the purposes of this Regulation, a corporation is controlled by a person if

(a) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are controlled, other than by way of security only, directly or indirectly by the person, and the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation, or

(b) the person has in relation to the corporation any direct or indirect influence which, if exercised, would result in control in fact of the corporation.

**(3)** For the purpose of this Regulation, a corporation is affiliated with another corporation if

(a) one of the corporations controls the other, or

(b) both of the corporations are controlled by the same person or group of persons.

**(4)** Repealed AR 122/2003 s2.

**(5)** For the purposes of the Act and this Regulation, a reference to an applicant for a licence or for registration, a licensee or a registrant

(a) that is a partnership includes each partner,

(b) that is a corporation includes the officers and directors of the corporation, or

(c) that is the volunteer executive of a bingo association as defined in section 23 includes each member of the executive.

(6) For the purposes of the Act and this Regulation, a reference to an applicant's employees, a licensee's employees or a registrant's employees means

(a) in the case of an application, licence or registration relating to a facility or premises, the manager of the facility or premises and the spouse of the manager or a person with whom the manager is living in a relationship of interdependence, and

(b) the person holding a position or performing duties or functions specified by the board in the business of the applicant, licensee or registrant and the spouse of that person or a person with whom that person is living in a relationship of interdependence.

(7) For the purposes of the Act and this Regulation, a reference to an applicant's associates, a licensee's associates or a registrant's associates means

(a) any person that has a financial interest in the applicant, licensee or registrant, in the applicant's business, the licensee's business or the registrant's business or in the facility or premises to which the application, licence or registration relates and the spouse of the person or a person with whom the person is living in a relationship of interdependence,

(b) if the applicant, licensee or registrant is an individual or a partnership in which one or more of the partners is an individual,

(i) the spouse of the individual or a person with whom the individual is living in a relationship of interdependence,

(ii) any relative of the individual and of the spouse or person referred to in subclause (i) if the relative resides with the individual, spouse or person,

(iii) any corporation controlled by the individual,

(iv) an officer or director of, and any person with a financial interest in, a corporation controlled by the individual, and the spouse of the officer, director or person or a person with whom the officer, director or person is living in a relationship of interdependence, and

(v) any corporation that is affiliated with the corporation referred to in subclause (iv), the affiliated corporation's officers and directors and any person having a financial interest in the affiliated corporation, and the spouse of the officer, director or person or a person with whom the officer, director or person is living in a relationship of interdependence,

and

(c) if the applicant, licensee or registrant is a corporation or a partnership in which one or more of the partners is a corporation,

(i) an officer or director of the corporation,

(ii) the spouse of the officer or director of the corporation or a person with whom the officer or director is living in a relationship of interdependence,

(iii) any relative of the officer or director referred to in subclause (i) and any relative of the spouse or of a person referred to in subclause (ii), if the relative resides with the officer, director, spouse or person,

(iv) any corporation affiliated with the applicant, licensee or registrant,

(v) an officer or director of an affiliated corporation and the spouse of the officer or director of an affiliated corporation or a person with whom the officer or director is living in a relationship of interdependence, and

(vi) any person who has a financial interest in the affiliated corporation and the spouse of the person or a person with whom the person is living in a relationship of interdependence.

AR 143/96 s1;87/99;131/2002;122/2003

Part 1  
General Provisions

Division 1  
Application Requirements

Application

**2(1)** An applicant for a licence or registration must submit to the Commission

- (a) an application on a form established by the Commission,
- (b) any information, affidavits and documents required by the Commission or board that relate to the application,
- (c) the fees specified in Schedule 1, and
- (d) any deposit required by or under section 28.

**(2)** The information, affidavits and documents required under subsection (1)(b) may include the following consents, to be signed by the applicant:

- (a) a consent to disclosure to the board or the Commission by a person referred to in the consent of information about the applicant, to determine the eligibility of the applicant to hold a licence or to be registered;

(b) a consent to disclosure by the board or the Commission to a person referred to in the consent of information provided by the applicant, to determine the accuracy of the information.

AR 143/96 s2;253/97;131/2002

Advertisement and consultation

3(1) The Commission may require an applicant for a licence or registration

(a) to advertise the application in the community where the licence or registration would have effect, or

(b) to consult with residents of the community in which the licence or registration would have effect for the purpose of obtaining public response to the application,

in accordance with the directions of the Commission.

(2) The Commission may notify a community in which a new licence or registration would have effect of the applicant's application.

(3) In this section, "community" means a geographical area determined in accordance with the policies of the Commission.

AR 143/96 s3;131/2002

Objections

4(1) Any person may submit to the board an objection to an application for a licence or registration.

(2) If an objection is received by the board, the board must consider it and advise the person who filed the objection of the board's decision on the application.

AR 143/96 s4;131/2002

Requirements for individuals

5(1) No individual is eligible for a licence or to be registered unless the individual is an adult.

(2) No individual is eligible for a licence or to be registered unless the individual is a Canadian citizen or lawfully admitted to Canada for permanent residence.

AR 143/96 s5;131/2002

Requirements for corporations

6 No corporation is eligible for a licence or to be registered unless the corporation is incorporated or continued by or under the *Business Corporations Act*, *Companies Act* or *Societies Act* or any other enactment or is registered under Part 21 of the *Business Corporations Act* or Part 9 of the *Companies Act*.

#### Requirements for partnerships

7(1) No partnership is eligible for a licence or to be registered, unless the partners meet the requirements of section 5 or 6, as the case may be.

(2) The board may not issue a licence to or register a partnership unless the partnership is registered under the *Partnership Act*.

AR 143/96 s7;131/2002

#### Refusal of licence or registration

8(1) The board may refuse to issue a licence to an applicant or to register an applicant if, in the board's opinion,

(a) the applicant has misled the board or has provided inaccurate or incomplete information to the board,

(b) the community in which the licence or registration would have effect does not support the issuance of the licence or the registration, or

(c) at the time of the application, there are fees under section 28 remaining unpaid by the applicant.

(2) Where the board refuses to issue a facility licence because the community in which the licence would have effect does not support the issuance of the licence, the board may, for a period of 2 years following that decision, refuse to issue any facility licence in that community.

AR 143/96 s8;131/2002

#### Division 2

#### Background Checks

#### Definition

9 In this Division and in section 28, "background check" means an inquiry or investigation, including a records check, conducted by the Commission to enable the Commission to determine the eligibility of an applicant, licensee or a registrant to hold a licence or be registered or to continue to hold a licence or be registered, and includes but is not limited to an inquiry or investigation relating to the honesty and integrity, financial history and competence of any of the following:

- (a) the applicant;
- (b) the licensee;
- (c) the registrant;
- (d) the employees and associates of the applicant, the licensee or the registrant;
- (e) any person with connections to the applicant, the licensee or the registrant.

AR 143/96 s9;131/2002;122/2003

Authority of Commission to conduct background checks

9.1 The Commission may conduct any background check that it considers necessary or appropriate.

AR 131/2002 s9

Records check

10(1) The board may refuse to issue a licence to an applicant or to register an applicant if the applicant, any of the applicant's employees or associates or any other person with connections to the applicant fail to pass a records check.

(2) A person does not pass a records check if the person

(a) has within the 5 years prior to the submission of the application been charged with or convicted of

(i) an offence under the *Criminal Code* (Canada), the *Excise Act* (Canada), the *Food and Drugs Act* (Canada) or the *Controlled Drugs and Substances Act* (Canada), or

(ii) an offence under a foreign Act or regulation that, in the board's opinion, is substantially similar to an offence referred to in subclause (i),

(b) has at any time been charged with or convicted of

(i) an offence under the *Criminal Code* (Canada), the *Excise Act* (Canada), the *Food and Drugs Act* (Canada) or the *Controlled Drugs and Substances Act* (Canada), or

(ii) an offence under a foreign Act or regulation that, in the board's opinion, is substantially similar to an offence referred to in subclause (i),

if in the board's opinion the offence is sufficiently serious that it may detract from the integrity with which gaming activities or provincial lotteries are to be conducted in Alberta or may be detrimental to the orderly or lawful conduct of activities authorized by a liquor licence or a registration relating to liquor, or

(c) has within the 5 years prior to the submission of the application been serving a term of imprisonment of 3 years or more.

AR 143/96 s10;131/2002;122/2003

#### Contravention of Act and regulations

11 The board may refuse to issue a licence to an applicant or to register an applicant if the board is satisfied that the applicant, any of the applicant's employees or associates or any other person with connections to the applicant has within the 5 years prior to the submission of the application contravened

(a) the Act or regulations under the Act,

(b) a predecessor of the Act or regulations under a predecessor of the Act,  
or

(c) a condition imposed on a licence or registration issued or made under the Act or a predecessor of the Act.

AR 143/96 s11;122/2003

#### Prior cancellation or refusal

12(1) In this section, "foreign licence or registration" means a licence or registration issued or made under the laws of a jurisdiction other than Alberta that, in the board's opinion, is similar to a licence or registration under the Act.

(2) The board may refuse to issue a licence to an applicant or to register an applicant if, within the 5 years prior to the submission of the application, a licence or registration issued or made under the Act or a predecessor of the Act or a foreign licence or registration of the applicant, any of the applicant's employees or associates or any other person with connections to the applicant has been cancelled or suspended.

(3) The board may refuse to issue a licence to an applicant or to register an applicant if, within the 5 years prior to the submission of the application, the applicant, any of the applicant's employees or any of the applicant's associates has been refused a foreign licence or registration.

AR 143/96 s12;131/2002;122/2003

#### Detriment to gaming or liquor activities

13 The board may refuse to issue a licence to an applicant or to register an applicant if the board is satisfied that the applicant, any of the applicant's employees or associates or any other person with connections to the applicant

(a) is a person who has not acted or may not act in accordance with the law, with honesty and integrity or in the public interest, having regard to the past conduct of the person,

(b) would be a detriment to the integrity or lawful conduct of gaming activities or provincial lotteries,

(c) is a person whose background, reputation and associations may result in adverse publicity for the gaming industry in Alberta, or

(d) would be a detriment to the lawful manufacture, import, purchase, sale, provision, transport, possession, storage, use or consumption of liquor.

AR 143/96 s13;131/2002

#### Board's power under s92(2)(a) of Act

13.1(1) When considering under section 92(1) of the Act whether a licensee or registrant has become ineligible to continue to hold a licence or to be registered, the board may take into account any of the matters in this Division relating to an applicant's initial eligibility to be issued a licence or to be registered, and the board may, subject to subsection (2), cancel a licence or registration under section 92(2)(a) of the Act for any reason that would justify the board's refusing to issue a licence or register an applicant under this Division.

(2) If the ineligibility referred to in subsection (1) is caused by a charge being laid under the Act or a federal Act specified in section 10(2), the board may not cancel a licence or registration until after the Commission has completed an investigation of the matter.

AR 131/2002 s13

#### Division 3

#### Facilities and Premises

#### Right to occupy facility or premises

14(1) No facility licence or liquor licence may be issued unless the board is satisfied that the applicant has the right to occupy and control the facility or premises in respect of which the application is made.

(2) Subsection (1) does not apply to an application for a liquor licence in which the proposed licensed premises is a canteen or an institution.

(3) A facility licensee or a liquor licensee must, if required by the board during the term of the licence, satisfy the board that the licensee continues to have the right to occupy and control the facility or premises in respect of which the licence is issued.

AR 143/96 s14;131/2002

#### Requirements for facilities and premises

15(1) No facility licence or liquor licence may be issued unless the board is satisfied that the facility or premises to be licensed meets the requirements for that type of facility or premises as established in the board's policies.

(2) In addition to meeting the requirements in the board's policies, no retail liquor store liquor licence may be issued unless the board is satisfied that the premises to be licensed meets the requirements set out in Schedule 2.

(3) Every facility licensee and liquor licensee must ensure that, during the term of the licence, the licensed facility or licensed premises meets

(a) the requirements for that type of facility or premises as established in the board's policies, and

(b) in the case of a retail liquor store licence, the requirements referred to in clause (a) and the requirements set out in Schedule 2.

#### Division 4 Offences and Conditions

##### Designation of offences

16 The contravention of section 34.1, 52, 54, 61, 81, 82, 87.1, 91.1 or 94 of this Regulation is an offence.

AR 143/96 s16;173/96;253/97;131/2002

##### Conditions on registrations

17(1) The board's policies respecting the activities authorized by a registration are conditions of the registration, including policies made after a person is registered.

(2) The Commission must provide a registrant with a copy of the board's policies that are conditions of the registration and any amendments to those policies.

(3) When registering a person, the board may, with or without a hearing, impose conditions on the registration that are in addition to the conditions referred to in subsection (1).

(4) When the board imposes a condition under subsection (3) without a hearing, the board must inform the registrant about the registrant's right to a hearing under section 94 of the Act.

AR 143/96 s17;251/2001;131/2002

18 Repealed AR 131/2002 s17.

## Part 2

### Gaming and Provincial Lotteries

#### Licences

##### Gaming licences

19 The following classes of gaming licence are established:

- (a) bingo licence: authorizes a bingo event;
- (b) pull ticket licence: authorizes a lottery scheme in which an individual opens a ticket to determine if a prize has been won;
- (c) raffle licence: authorizes a lottery scheme in which tickets or prize bonds are sold for a chance to win a prize;
- (d) casino licence: authorizes a casino.

AR 143/96 s19;87/99;131/2002

##### Eligibility of gaming licence applicants

20(1) An applicant for a gaming licence that authorizes a gaming activity under section 207(1)(b) or (f) of the *Criminal Code* (Canada)

- (a) must be a charitable or religious organization, and
- (b) must satisfy the board that the proceeds from the gaming activity will be used for a charitable or religious object or purpose approved by the board.

(2) An applicant for a gaming licence that authorizes a gaming activity under section 207(1)(d) of the *Criminal Code* (Canada) must satisfy the board that the proceeds from the gaming activity will be used for a charitable or religious object or purpose approved by the board.

AR 143/96 s20;131/2002

## Deferred payment of licence fees

20.1 The Commission may allow an applicant for a bingo, pull ticket or casino licence to submit the fees for the licence after the licence is issued and, if this deferral of fees is allowed, the applicant must submit the licence fees to the Commission within the time period specified by the Commission.

AR 87/99 s4;131/2002

## Accounting

21 The following must, at any time when required by the board, provide an accounting of the proceeds of a lottery scheme authorized by a licence:

- (a) the holder of a gaming licence;
- (b) a person whose gaming licence has expired.

AR 143/96 s21;131/2002

## Facility licences

22 The following classes of facility licence are established:

- (a) bingo facility licence: authorizes the operation of a facility in which a bingo event may be conducted;
- (b) casino facility licence: authorizes the operation of a facility in which a casino may be conducted;
- (c) racing entertainment centre facility licence: authorizes the operation of a facility
  - (i) that is located in a grandstand adjoining a race track, and
  - (ii) in which a provincial lottery may be conducted.

AR 143/96 s22;131/2002

## Eligibility of facility licence applicants

**23(1)** In this section, “bingo association” means an association of charitable or religious organizations formed for the purpose of conducting gaming activities.

**(2)** A bingo facility licence may only be issued to an individual, a partnership, a corporation or the volunteer executive of a bingo association.

(3) A casino facility licence may only be issued to an individual, partnership or corporation.

AR 143/96 s23;253/97;131/2002

Registration

Exclusions from gaming worker

24 The following are not gaming workers:

- (a) a person who is paid to sell pull tickets, raffle tickets or prize bonds;
- (b) a person who is paid to manage a raffle in which the sale price of all tickets to be sold under the raffle is \$10 000 or less;
- (c) a person who works in a licensed facility in which a licensed gaming activity takes place if the facility is not required to be licensed under section 36(1)(b) of the Act;
- (d) a person who works in a licensed facility whose duties are unrelated to any provincial lottery or gaming activity that is conducted in the facility.

AR 143/96 s24;87/99;131/2002

Registration of gaming workers

25 The following classes of registration of gaming workers are established:

- (a) bingo worker: authorizes a person to perform at a bingo facility a function specified in the person's registration;
- (b) casino worker: authorizes a person to perform at a casino facility a function specified in the person's registration;
- (c) facility worker: authorizes a person to perform at a licensed facility other than a bingo facility or a casino facility a function specified in the person's registration;
- (d) raffle manager: authorizes a person to manage a raffle
  - (i) where the authorized ticket value exceeds \$10 000, or
  - (ii) that involves prize bonds;
- (e) pull ticket manager: authorizes a person to manage the sale of pull tickets.

AR 143/96 s25;87/99;131/2002

## Eligibility of gaming workers

26(1) Only individuals are eligible to be registered as gaming workers.

(2) To be eligible to be registered to perform a function as a gaming worker, an individual must

- (a) have the experience specified by the board for the function, and
- (b) if the board establishes an exam for the function, achieve at least the minimum exam score specified by the board.

## Additional classes of registration

27 The following additional classes of registration are established:

- (a) a class of registration that authorizes a person to provide gaming workers;
- (b) a class of registration that authorizes a person to deal in gaming supplies approved by the board;
- (c) a class of registration that authorizes a person to deal in gaming terminals approved by the board.

AR 143/96 s27;131/2002

## General

### Fees and deposits re background checks

28(1) This section applies in respect of the following:

- (a) facility licences other than facility licences issued to the volunteer executive of a bingo association;
- (b) registrations that authorize a person to deal in gaming terminals;
- (c) registrations that authorize a person to provide gaming workers;
- (d) registrations that authorize a person to manage a raffle
  - (i) where the authorized ticket value exceeds \$10 000, or
  - (ii) that involves prize bonds;
- (e) registrations that authorize a person to deal in gaming supplies.

(2) An applicant for a licence or registration referred to in subsection (1) must pay a fee for background checks conducted by the Commission in respect of the applicant, the applicant's employees and associates and persons with connections to the applicant.

(3) An applicant for a licence or registration referred to in subsection (1) must submit to the Commission with the application a deposit in the amount determined by the board to be used to pay the fee for background checks.

(4) The holder of a licence or registration referred to in subsection (1) must pay a fee for background checks conducted by the Commission, if any, during the term of the licence or registration in respect of the licensee or registrant, the employees and associates of the licensee or registrant and persons with connections to the licensee or registrant.

(5) If required by the Commission, the holder of a licence or registration referred to in subsection (1) must submit to the Commission a deposit in the amount determined by the board to be used to pay the fee for background checks.

(6) If a deposit has been submitted that exceeds the fee for background checks, the Commission must refund the surplus.

(7) The fee payable for a background check is the actual cost of conducting the background check.

AR 143/96 s28;253/97;131/2002

#### Term

29(1) The term of a gaming or facility licence or a registration referred to in this Part is one year or 2 years, as specified in the licence, unless subsection (2) applies.

(2) The board may issue a licence to an applicant or register an applicant for a period other than that described in subsection (1) where the board considers it appropriate.

(3) A person who holds a gaming or facility licence having a term of more than one year or who is registered under this Part for a term of more than one year must pay by the date specified by the board an additional fee for the portion of the term that exceeds one year.

AR 143/96 s29;131/2002

#### Automatic cancellation on sale, assignment or transfer

30(1) Neither the holder of a gaming or facility licence nor a person registered under this Part may sell, assign or transfer the licence or registration.

(2) If the holder of a gaming or facility licence or a person registered under this Part sells, assigns or transfers the licence or registration, the licence or registration is cancelled.

AR 143/96 s30;131/2002

Automatic cancellation on change in control

30.1 Where

(a) there is a sale, assignment or transfer of a portion of the business under which the activities authorized by a facility licence or a registration relating to gaming are carried out, and

(b) the sale, assignment or transfer results in a change in control of the business,

the licence or registration is cancelled.

AR 131/2002 s29

Change in ownership but not control

30.2(1) A proposed sale, assignment or transfer of a portion of a business

(a) that is a sole proprietorship, a partnership or a corporation that is not a distributing corporation as defined in the *Business Corporations Act*, and

(b) under which the activities authorized by a facility licence or a registration relating to gaming are carried out

must be reported to the Commission by the licensee or registrant and must be approved by the board prior to the effective date of the sale, assignment or transfer.

(2) A sale, assignment or transfer of 5% or more of a business

(a) that is a distributing corporation as defined in the *Business Corporations Act*, and

(b) under which the activities authorized by a facility licence or a registration relating to gaming are carried out

must be reported to the Commission by the licensee or registrant within 10 business days after the effective date of the sale, assignment or transfer and must be approved by the board.

(3) The board may, in respect of a sale, assignment or transfer requiring its approval under this section,

(a) approve it without conditions,

- (b) approve it subject to conditions,
- (c) approve it subject to the variation or rescission of existing conditions,

or

- (d) refuse to approve it.

**(4)** Where the board refuses to approve a sale, assignment or transfer under subsection (3)(d) after the effective date of the sale, assignment or transfer, the board may treat the licensee or registrant as ineligible to hold a licence or to be registered and make a decision under section 92 of the Act.

AR 131/2002 s29

#### Change in financial interest

**30.3(1)** Where after a facility licence is issued, the licensee intends that a person acquire a financial interest in the licensee, in the licensee's business or in the facility to which the licence relates, in a manner other than by way of a sale, assignment or transfer,

- (a) the licensee must report the financial interest to the Commission, and

(b) the board must approve the financial interest prior to the date on which the financial interest takes effect.

**(2)** The board may, in respect of a financial interest requiring its approval under this section,

- (a) approve it without conditions,
- (b) approve it subject to conditions,
- (c) approve it subject to the variation or rescission of existing conditions,

or

- (d) refuse to approve it.

**(3)** Where the board refuses to approve a financial interest under subsection (2)(d) after the effective date of the financial interest, the board may treat the licensee as ineligible to continue to hold the licence and make a decision under section 92 of the Act.

AR 131/2002 s29

#### Licence cancellation on dispossession of business

31(1) If a facility licensee, through bankruptcy or operation of law, becomes dispossessed of the business under which the activities authorized by the licence are carried out, the licence is cancelled.

(2) If subsection (1) applies, the board may issue a temporary licence to a person to carry on the activities authorized by the cancelled licence, subject to any conditions set out in the temporary licence.

(3) A temporary licence is valid for 3 months or until the cancelled licence would have expired if subsection (1) did not apply, whichever is later.

(4) A person who holds a temporary licence may, while the temporary licence is in force, apply for a new licence.

#### Death of licensee

32(1) When a facility licensee who is an individual dies, the licence continues in force until the expiry date of the licence unless it is suspended or cancelled earlier.

(2) While the licence is in force, the licensee is

(a) a person specified by the board, or

(b) the trustee, executor or administrator who is entitled to administer the estate of the deceased if the board does not specify a person.

#### Posting of licences

33(1) A facility licensee must post in a prominent place in the licensed facility

(a) the facility licence, and

(b) any document or information that the board or Commission requires to be posted.

(2) When the activities authorized by a gaming licence are conducted in a licensed facility, the gaming licensee must post in a prominent place in the licensed facility

(a) the gaming licence, and

(b) any document or information that the board or Commission requires to be posted.

AR 143/96 s33;131/2002

34 Repealed AR 131/2002 s31.

## Persons not permitted in licensed facilities

34.1(1) No facility licensee or employee or agent of a facility licensee may permit a person to enter into or remain in the licensed facility if

(a) the licensee, employee or agent, as the case may be, knows or has been advised by the Commission that the person has been convicted of an offence under section 209 of the *Criminal Code* (Canada), or

(b) the licensee, employee or agent, as the case may be, knows or has been advised by the Commission that the person

(i) has been convicted of an offence under a foreign Act or regulation that, in the board's opinion, is substantially similar to an offence under section 209 of the *Criminal Code* (Canada), or

(ii) is not, under the laws of a jurisdiction other than Alberta, permitted to enter into or remain in a place in which gaming activities in that jurisdiction are conducted.

(2) The board may issue a notice to facility licensees stating that a person referred to in subsection (1)(a) or (b) may be permitted to enter a licensed facility and, upon the notice being issued, subsection (1) does not apply in respect of that person unless the board revokes the notice.

AR 253/97 s6;131/2002

## Self-exclusion programs

34.2 No facility licensee or employee or agent of a facility licensee may permit a person who is enrolled in a self-exclusion program to enter into or remain in the licensed facility.

AR 131/2002 s33

## Part 3 Liquor

### Division 1 Liquor Licences

#### Class A Liquor Licences

#### Class A liquor licence

35 A Class A liquor licence authorizes the licensee

- the board,
- (a) to purchase liquor from the Commission or as otherwise directed by
  - (b) to possess, store and use liquor in the licensed premises, and
  - (c) to sell or provide liquor from the licensed premises for consumption in the licensed premises.

#### Licensed premises

36 The licensed premises under a Class A liquor licence must be premises that any member of the public is permitted to enter.

AR 143/96 s36;131/2002

#### Hotel

37 If the licensed premises under a Class A liquor licence are located in a hotel, the licence also authorizes the licensee

- (a) to sell or provide liquor from the licensed premises to a guest room in the hotel, and
- (b) to sell or provide liquor from self-service bars located in a guest room in the hotel.

#### Class B Liquor Licences

##### Class B liquor licence

38 A Class B liquor licence authorizes the licensee

- (a) to purchase liquor from the Commission or as otherwise directed by the board,
- (b) to possess, store and use the liquor in the licensed premises, and
- (c) to sell or provide the liquor from the licensed premises for consumption in the licensed premises.

#### Licensed premises

39 The licensed premises under a Class B liquor licence must be a recreational facility, tourist facility, race track, sports stadium, convention centre, theatre or public conveyance in which entrance is restricted to persons who purchase a ticket or pay a user fee or on some other basis acceptable to the board.

## Sales tied to events

40 If the licensed premises under a Class B liquor licence are located in a sports stadium, convention centre or theatre, the licensee is authorized to sell liquor only in conjunction with an event that is approved by board policy or that has been specifically approved by the board.

## Stadium bylaws

41 A council of a municipality may pass bylaws specifying

(a) the days, hours and areas in which liquor may be sold by a Class B liquor licensee in a sports stadium, and

(b) the hours and areas that liquor purchased from a Class B liquor licensee may be consumed in a sports stadium.

## Class C Liquor Licences

### Class C liquor licence

42 A Class C liquor licence authorizes the licensee

(a) to purchase liquor from the Commission or as otherwise directed by the board,

(b) to possess, store and use the liquor in the licensed premises, and

(c) to sell or provide the liquor from the licensed premises for consumption in the licensed premises.

## Licensed premises

43 The licensed premises under a Class C liquor licence must be a club, canteen, travellers' lounge or institution in which entrance is restricted to members and their guests, residents and their guests or on some other basis acceptable to the board.

## Canteen

44 An application for a Class C liquor licence in respect of a canteen must be made by the officer in charge of the Canadian Forces Base, police service or federal or provincial correctional training facility in which the canteen will be located.

## Institution

45 An application for a Class C liquor licence in respect of an institution must be accompanied by the consent of the authority that directs the operation of the institution.

## Travellers' lounge

46 An application for a Class C liquor licence in respect of a travellers' lounge must be made by the person that operates the public conveyance that the lounge is associated with.

## Class D Liquor Licences

### Class D liquor licence

47 The following subclasses of a Class D liquor licence are established:

- (a) retail liquor store licence: authorizes the licensee
  - (i) to purchase liquor from the Commission or as otherwise directed by the board,
  - (ii) to possess and store liquor in the licensed premises,
  - (iii) to sell or provide liquor from the licensed premises for consumption off the licensed premises,
  - (iv) to sell or provide from the licensed premises liquor samples for consumption in the licensed premises, and
  - (v) to sell liquor, with the prior approval of the board, at a function at premises specified by the board for consumption off those premises;
- (b) general merchandise liquor store licence: authorizes the licensee to do the things that a retail liquor store licence authorizes in conjunction with a general merchandising business;
- (c) general off sales licence: authorizes a person who holds a Class A liquor licence for licensed premises in a hotel or for licensed premises other than a hotel that are approved by the board
  - (i) to purchase liquor from the Commission or as otherwise directed by the board,
  - (ii) to possess and store liquor in the licensed premises,
  - (iii) to sell or provide liquor from licensed premises described in the general off sales licence for consumption off those licensed premises, and
  - (iv) to sell or provide from the licensed premises described in the general off sales licence liquor samples for consumption in those licensed premises;

E licence (d) manufacturer's off sales licence: authorizes a person who holds a Class

(i) to purchase from the Commission liquor manufactured by the person under the Class E liquor licence,

(ii) to possess and store the liquor in the licensed premises described in the manufacturer's off sales licence, and

(iii) subject to section 53, to sell or provide the liquor from the licensed premises described in the manufacturer's off sales licence for consumption off those premises;

(e) sacramental wine resale licence: authorizes the licensee by the board,

(i) to purchase wine from the Commission or as otherwise directed

(ii) to possess and store the wine in the licensed premises, and

(iii) to sell the wine to religious organizations for sacramental purposes;

(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 a 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;

(g) commercial caterers licence: authorizes the licensee

(i) to purchase liquor from the Commission or as otherwise directed by the board,

(ii) to possess and store liquor in premises approved by the Commission, and

(iii) subject to any conditions established by the board, to provide, serve and sell liquor for consumption at catered functions.

AR 143/96 s47;308/2003;4/2005

48 Repealed AR 131/2002 s35.

#### Selling liquor related products

49 A licensee who holds a retail liquor store licence or a general off sales licence may not sell or provide from the licensed premises any non-liquor products except for liquor related products that are approved by the board.

#### Other business operations

50 A licensee who holds a retail liquor store licence and who operates or is involved in another business may not

(a) offer discounts on purchases in one business based on purchases in the other business;

(b) operate a customer loyalty program in one business which recognizes purchases made in the other business;

(c) sell trademark or brand name products of the other business in the retail liquor store unless those products are also available for wholesale purchase by other licensees and are not referred to by the other business's name.

#### General merchandise liquor store licence

51(1) The board may not issue a general merchandise liquor store licence for a general merchandise liquor store located in a municipality if a retail liquor store licence is in force for a retail liquor store located in the same municipality.

(2) The board may not issue a general merchandise liquor store licence for a general merchandise liquor store located in a municipality if a general off sales licence is in force for a hotel located in the same municipality.

(3) The board may make policies establishing additional criteria for issuing general merchandise liquor store licences.

AR 143/96 s51;160/98;131/2002

#### Containers

52 A Class D liquor licensee and the employees and agents of the licensee may pursuant to the licence

(a) sell in unopened containers that have been approved by the board any liquor except beer and wine sold in bulk, and

(b) sell beer and wine in bulk in opened containers subject to the board's policies.

AR 143/96 s52;131/2002

#### Restriction on sales

53 A manufacturer's off sales licensee may not sell or provide liquor referred to in section 47(d) to a liquor licensee unless

(a) the liquor licensee is a special event licensee, or

(b) the board authorizes the manufacturer's off sales licensee to sell or provide the liquor to another class of licensee.

#### Delivery service licence

54 A delivery service licensee may not store liquor.

#### Class E Liquor Licences

##### Class E liquor licence

55 The following subclasses of a Class E liquor licence are established:

(a) manufacturer's licence: authorizes the licensee

(i) to manufacture liquor in the licensed premises,

(ii) to possess and store the liquor it manufactures in the licensed premises,

(iii) to sell the liquor it manufactures to the Commission, and

(iv) to provide, in accordance with board policy, liquor it manufactures to its employees and their guests for consumption in the licensed premises;

(b) brew pub licence: authorizes a Class A liquor licensee

(i) to manufacture beer in the quantity approved by the board in the premises licensed under the Class A liquor licence,

Class A liquor licence, (ii) to possess and store the beer in the premises licensed under the

(iii) to sell the beer it manufactures to the Commission, and

(iv) to provide, in accordance with board policy, the beer it manufactures to its employees and their guests for consumption in the premises licensed under the Class A liquor licence;

(c) cottage winery licence: authorizes the licensee

(i) to manufacture wine in the licensed premises,

(ii) to possess and store the wine it manufactures in the licensed premises,

(iii) to sell the wine it manufactures to the Commission, and

(iv) to provide in accordance with board policy, wine it manufactures to its employees and their guests for consumption in the licensed premises.

AR 143/96 s55;4/2005

Brew pub licence

56(1) No brew pub licence may be issued in respect of premises unless the applicant

(a) holds a Class A liquor licence for those premises,

(b) agrees to purchase from the Commission at a price established by the board the beer it manufactures, and

(c) provides security satisfactory to the board to ensure payment of the purchase price referred to in clause (b).

(2) Subsection (1)(a) does not prevent a person from applying for a Class A liquor licence and a brew pub licence at the same time.

Sale or provision of brew pub beer

57 A person who holds a Class A liquor licence and a brew pub licence for the same premises and also holds another Class A liquor licence for other premises may only sell or provide beer manufactured under the brew pub licence from those other premises if the person obtains the approval of the board.

## Standards and labelling

58 A Class E liquor licensee must

- (a) ensure that liquor manufactured under the licence complies with the standards and requirements established by or under federal legislation, and
- (b) ensure that a label that complies with the standards and requirements established by or under federal legislation is attached to all containers of liquor manufactured for sale in Alberta.

## Duty Free Store Licences

### Duty free store licence

59 A duty free store licence authorizes the licensee

- (a) to purchase liquor from the Commission or as otherwise directed by the board,
- (b) to possess and store the liquor in the licensed premises, and
- (c) to sell the liquor from the licensed premises to persons who are taking the liquor outside of Canada.

## Customs Act (Canada)

60(1) The board may not issue a duty free store licence for premises unless the applicant holds a licence under the *Customs Act* (Canada) that authorizes the premises to be operated as a duty free shop.

(2) If the licence under the *Customs Act* (Canada) referred to in subsection (1) is no longer in force, the duty free store licence for the premises is cancelled.

## Containers

61 A duty free store licensee and the employees and agents of the licensee may only sell liquor under the licence in unopened containers that have been approved by the board.

AR 143/96 s61;131/2002

## Special Event Licences

### Special event licence

62 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 licensed premises for consumption in the licensed 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 licensed premises for consumption in the licensed 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 licensed premises for consumption in the licensed 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(1)(t)(ii) or (iii) of the Act to possess, store and provide liquor in the licensed premises for consumption in the licensed 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 licensed 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 licensed 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 licensed premises;

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

#### Off sales

63 A public resale licence issued in respect of an auction of liquor may authorize the sale or provision of liquor for consumption off the licensed premises.

AR 143/96 s63;131/2002

#### Food fair and trade show

64 A special event licence issued in respect of a food fair or trade show may authorize a liquor supplier or liquor agency that is not the special event licensee to sell liquor for consumption at the food fair or trade show.

#### Conditions on special event licences

65(1) A special event licensee must purchase liquor that is to be provided or sold under the authority of the special event licence from a Class D licensee or as otherwise directed by the board.

(2) A special event licensee or an agent of a special event licensee may transport liquor purchased under the special event licence to the licensee's or the agent's residence and from the residence to the licensed premises, and may transport the liquor to the licensed premises up to 48 hours in advance of the special event specified in the licence.

(3) Unless otherwise authorized by the board, a special event licensee must, within 48 hours after the licence expires, ensure that the liquor purchased under the licence that has not been consumed is removed from the premises that were licensed.

AR 143/96 s65;131/2002

### Special Requirements for Liquor Licences

#### Liquor servings

66 If a Class A, B or C liquor licensee is required under the board's policies to have a menu or price list for drinks that contain liquor, the menu or price list must specify the amount of liquor contained in the drinks.

AR 143/96 s66;131/2002

#### Food service

67 A Class A, B or C liquor licensee must comply with the requirements of the board respecting the provision of a food service from the licensed premises, including requirements respecting the type of kitchen facilities and food preparation equipment that are associated with the food service.

#### Wine brought by patron

67.1(1) The board may, on application by a licensee, authorize the licensee, subject to conditions established by the board, to serve for consumption in licensed premises wine taken into the licensed premises by a patron.

(2) A patron may, subject to conditions established by the board, bring wine into a licensed premises authorized under subsection (1).

(3) A patron who takes wine into licensed premises authorized under subsection (1) may remove from the premises any of the wine that is not consumed.

AR 308/2003 s3

## Dispensing, serving and mixing liquor

**68(1)** The board may make policies respecting the use by liquor licensees of dispensing systems and other matters to ensure licensees provide patrons with the brand and amount of liquor purchased by the patron.

**(2)** A liquor licensee may

(a) sell or provide for consumption in licensed premises liquor dispensed only from the original container used to hold the liquor purchased under the licence, and

(b) if authorized under section 67.1, serve for consumption in licensed premises wine dispensed only from the original container used to hold the wine taken into the licensed premises by a patron.

**(3)** If a liquor licensee serves liquor for consumption in licensed premises in the original container used to hold the liquor purchased under the licence or used to hold the wine taken into the licensed premises by a patron, the container must be open when the liquor or wine is served.

**(4)** If a liquor licensee serves liquor for consumption in licensed premises in a container that is not the original container used to hold the liquor purchased under the licence or used to hold the wine taken into the licensed premises by a patron, the container must be satisfactory to the Board.

**(5)** Liquor from one container may not be mixed with liquor from another container unless the liquor is

(a) mixed at the request of a patron and served to the patron in a glass or other container satisfactory to the board, or

(b) liquor from one container, as shipped by the distributor, of a particular brand poured into another size container of the same brand, as shipped by the distributor.

**(6)** No liquor licensee may mix liquor with liquor of a different brand or type in the reservoir, well or holding tank of a mechanical dispensing device.

AR 143/96 s68;131/2002;217/2002;122/2003;308/2003

## Caterer extension

**69(1)** The board may, on the application of a Class A, Class B or C liquor licensee, add a caterer extension to the licence.

**(2)** A caterer extension authorizes the liquor licensee, subject to any conditions established by the board, to sell or provide liquor for consumption in the premises specified in the caterer extension.

AR 143/96 s69;131/2002

#### Areas added to licensed premises

70(1) The board may, on the application of a Class A, B or C liquor licensee, add a room, patio or area to the licensed premises specified in the Class A, B or C liquor licence.

(2) The board may impose conditions on the Class A, B or C liquor licence relating to the room, patio or area that is added to the licensed premises.

#### Application fee

71(1) Repealed AR 131/2002 s44.

(2) The application fee is in addition to the fee for the licence that is specified in Schedule 1.

(3) The board may waive the requirement to submit an application fee if the board considers the waiver to be appropriate.

AR 143/96 s71;131/2002

#### Eligibility of liquor supplier and liquor agency

72(1) No Class A, B, C or D liquor licence or duty free store licence may be issued to a liquor supplier or liquor agency.

(2) Nothing in subsection (1) prevents

(a) a Class A liquor licensee from being issued a brew pub licence, or

(b) a Class E liquor licensee from being issued a manufacturer's off sales licence.

(3) Despite subsection (1), the board may allow a manufacturer's licensee to hold a Class A liquor licence if the premises to which the manufacturer's licence relates and the premises to which the Class A liquor licence relates are located on the same property.

AR 143/96 s72;131/2002

#### Division 2

#### Registration

#### Classes of registration

73 The following classes of registration relating to liquor agencies and liquor suppliers are established:

(a) liquor agency: authorizes a liquor agency to act as a representative of a liquor supplier in the sale of the supplier's liquor;

(b) liquor representative: authorizes an employee or agent of a liquor agency to act as a representative of a liquor supplier in the sale of the supplier's liquor and authorizes an employee of a liquor supplier to act as a representative of the supplier in the sale of its liquor.

## Requirements

74(1) No person may be registered as a liquor agency to represent a liquor supplier unless the board is satisfied that the liquor supplier has agreed to the person representing them.

(2) No person may be registered as a liquor representative of a liquor agency unless the board is satisfied that the person is an employee or agent of the liquor agency.

## Division 3

### General

## Term

75(1) The term of a liquor licence or a registration referred to in this Part is one year or 2 years, as specified in the licence, unless subsection (2) applies.

(2) The board may issue a licence to an applicant or register an applicant for a period other than that described in subsection (1) where the board considers it appropriate.

(3) A person who holds a liquor licence having a term of more than one year or who is registered under this Part for a term of more than one year must pay by the date specified by the board an additional fee for the portion of the term that exceeds one year.

AR 143/96 s75;131/2002

## Automatic cancellation on sale, assignment or transfer

76(1) Neither the holder of a liquor licence nor a person registered under this Part may sell, assign or transfer the licence or registration.

(2) If the holder of a liquor licence or a person registered under this Part sells, assigns or transfers the licence or registration, the licence or registration is cancelled.

AR 143/96 s76;131/2002

## Cancellation on change in control

76.1 Where

(a) there is a sale, assignment or transfer of a portion of the business under which the activities authorized by a liquor licence or a registration relating to liquor are carried out, and

(b) the sale, assignment or transfer results in a change in control of the business,

the board may cancel the licence or registration.

AR 131/2002 s47

Change in ownership but not control

76.2(1) A proposed sale, assignment or transfer of a portion of a business

(a) that is a sole proprietorship, a partnership or a corporation that is not a distributing corporation as defined in the *Business Corporations Act*, and

(b) under which the activities authorized by a liquor licence or a registration relating to liquor are carried out

must be reported to the Commission by the licensee or registrant and must be approved by the board prior to the effective date of the sale, assignment or transfer.

(2) A sale, assignment or transfer of 5% or more of a business

(a) that is a distributing corporation as defined in the *Business Corporations Act*, and

(b) under which the activities authorized by a liquor licence or a registration relating to liquor are carried out

must be reported to the Commission by the licensee or registrant within 10 business days after the effective date of the sale, assignment or transfer and must be approved by the board.

(3) The board may, in respect of a sale, assignment or transfer requiring its approval under this section,

(a) approve it without conditions,

(b) approve it subject to conditions,

(c) approve it subject to the variation or rescission of existing conditions,

or

(d) refuse to approve it.

(4) Where the board refuses to approve a sale, assignment or transfer under subsection (3)(d) after the effective date of the sale, assignment or transfer, the board may treat the licensee or registrant as ineligible to hold a licence or to be registered and make a decision under section 92 of the Act.

AR 131/2002 s47

#### Licence cancellation on dispossession of business

77(1) If a liquor licensee, through bankruptcy or operation of law, becomes dispossessed of the business under which the activities authorized by the licence are carried out, the licence may be cancelled.

(2) If the board cancels the liquor licence, the board may issue a temporary licence to a person to carry on the activities authorized by the cancelled licence, subject to any conditions set out in the temporary licence.

(3) A temporary licence is valid for 3 months or until the cancelled licence would have expired if the board had not cancelled it, whichever is later.

(4) A person who holds a temporary licence may, while the temporary licence is still in force, apply for a new licence.

(5) Where the board does not cancel a liquor licence under subsection (1), the board may allow the licence to continue for the period determined by the board and subject to any conditions imposed on the licence by the board.

AR 143/96 s77;131/2002

#### Death of licensee

78(1) When a liquor licensee who is an individual dies, the licence continues in force until the expiry date of the licence unless it is suspended or cancelled earlier.

(2) While the licence is in force, the licensee is

(a) a person specified by the board, or

(b) the trustee, executor or administrator who is entitled to administer the estate of the deceased if the board does not specify a person.

#### Posting of licences

79 A liquor licensee must post in a prominent place in the licensed premises

(a) the liquor licence, and

(b) any document or information that the board or Commission requires to be posted.

#### Division 4 Prohibited Relationships

##### Definitions

80 In this Division,

(a) “licensee’s business” in respect of a liquor licensee means the business under which activities authorized by the licensee’s liquor licence are carried out;

(b) “liquor licensee” means a person who holds a Class A, B, C or D liquor licence or a duty free store licence.

##### Liquor suppliers and agencies

81 No liquor supplier or officer, director or employee of a liquor supplier and no liquor agency or representative of a liquor agency required to be registered under section 62 of the Act may

(a) have any financial interest in a liquor licensee or the licensee’s business;

(b) have a financial interest in any of the real or personal property used in a liquor licensee’s business;

(c) directly or indirectly sell, give, rent or lend any furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other equipment to a liquor licensee;

(d) have a financial interest in any business that supplies furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other equipment to a liquor licensee;

(e) directly or indirectly make or offer to make a loan or advance or give or offer to give money, a rebate, a concession or anything of value to a liquor licensee or to an employee or agent of that licensee.

AR 143/96 s81;253/97;251/2001

##### Liquor licensees

82(1) No liquor licensee may

(a) have a financial interest in a liquor supplier or liquor agency;

(b) sell or give a liquor supplier or liquor agency any financial interest in the licensee's business;

(c) carry on the licensee's business on real property in which a liquor supplier or liquor agency has a financial interest or use in the licensee's business personal property in which a liquor supplier or liquor agency has a financial interest;

(d) buy, receive as a gift, rent or borrow any furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other equipment from a liquor supplier or liquor agency.

(2) No liquor licensee or employee or agent of the licensee may

(a) directly or indirectly borrow or receive as a gift from any liquor supplier or liquor agency money, an advance of money or any thing of value;

(b) request or accept a rebate or concession from a liquor supplier or liquor agency.

Exception - financial interests

83(1) Despite this Division, the board may allow a liquor supplier or a liquor agency to have a specified financial interest in a Class A, B or C liquor licensee's business.

(2) If the board allows a liquor supplier or liquor agency to have a financial interest in a Class A, B or C liquor licensee's business, the licensee may not possess, keep, provide, sell or allow in the licensed premises any liquor made or distributed by the liquor supplier or liquor agency whose financial interest has been approved, or any liquor produced or distributed by any person in whose business that liquor supplier or liquor agency has a financial interest.

(3) Repealed AR 131/2002 s49.

AR 163/96 s83;253/97;131/2002

Exception - certain manufacturers

84(1) Sections 81 and 82 do not apply to the relationship between a liquor supplier who is a manufacturer and a licensee who holds a manufacturer's off sales licence if the manufacturer and licensee are the same person.

(2) Sections 81 and 82 do not apply to the relationship between a liquor supplier who manufactures beer for the purposes of a brew pub and a licensee who holds a Class A liquor licence for a brew pub if the manufacturer and licensee are the same person.

Exception - promotions

85 Despite this Division, the board may approve an arrangement between a liquor licensee and a liquor supplier or liquor agency to promote a particular type or brand of liquor.

Division 5  
Miscellaneous

Definition of liquor

86 For the purposes of section 1(1)(q) of the Act, a product that is intended for human consumption in which the percentage of alcohol by volume exceeds 1% is liquor.

Connection with liquor suppliers

87(1) If a liquor supplier referred to in section 1(1)(t)(i) to (iii) of the Act is a partnership, each partner is a liquor supplier for the purposes of section 1(1)(t)(iv) of the Act.

(2) If a liquor supplier referred to in section 1(1)(t)(i) to (iii) of the Act is an individual or a partnership in which one or more of the partners is an individual,

(a) the spouse or person with whom the individual is living in a relationship of interdependence of the individual,

(b) a relative of the individual, spouse or person or the spouse or person referred to in clause (a) if the relative has the same residence as the individual, spouse or person,

(c) any corporation controlled by the individual, and

(d) any corporation that is affiliated with a corporation referred to in clause (c)

is a liquor supplier for the purposes of section 1(1)(t)(iv) of the Act.

(3) If a liquor supplier referred to in section 1(1)(t)(i) to (iii) of the Act is a corporation or a partnership in which one or more of the partners is a corporation, any other corporation that is affiliated with the corporation is a liquor supplier for the purposes of section 1(1)(t)(iv) of the Act.

AR 143/96 s87;131/2002;122/2003

Transportation of liquor

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

(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.

AR 173/96 s3;251/2001

87.2 Repealed AR 131/2002 s51.

Homemade wine, cider and beer

88(1) This section is made for the purposes of section 86(1) of the Act.

(2) No person may make wine in the person's residence if the quantity of wine to be made would cause the amount of homemade wine in the residence to exceed 460 litres.

(3) No person may make beer in the person's residence if the quantity of beer to be made would cause the amount of homemade beer in the residence to exceed 460 litres.

(4) No person may make cider in the person's residence if the quantity of cider to be made would cause the amount of homemade cider in the residence to exceed 460 litres.

AR 143/96 s88;251/2001

Importation from other provinces

89 For the purposes of section 86(3) of the Act, an adult may import from another province liquor for the adult's personal use or consumption.

AR 143/96 s89;251/2001

Importation from other countries

90(1) For the purposes of section 86(3) of the Act, an adult may import from another country no more than 45.45 litres of liquor in any 90-day period.

(2) If an adult imports liquor under subsection (1) that is in excess of the amount of liquor that an adult may import into Alberta free of federal duties or taxes, the adult is liable to pay to the Commission a mark-up established by the Commission on the excess liquor.

(3) If the mark-up is not paid to the Commission, the excess liquor and its containers are forfeited to the Commission.

AR 143/96 s90;251/2001

91 Repealed AR 131/2002 s52.

#### Removal of liquor from licensed premises

91.1(1) In this section,

(a) “liquor” means liquor that has been sold or provided from licensed premises for consumption in the licensed premises;

(b) “liquor licensee” means a liquor licensee whose liquor licence authorizes the sale or provision of liquor from licensed premises for consumption in the licensed premises.

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

AR 253/97 s10;308/2003

#### Hours of liquor sale and consumption

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 licensed premises only

(a) during the hours specified under Schedule 3, or

(b) if the board specifies hours under subsection (3), during those hours.

(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.

(3) The board may reduce or increase the hours that liquor may be sold, provided or consumed in licensed premises.

#### Persons authorized to be in licensed premises

93(1) Section 71(1) and (2) of the Act do not apply to

(a) licensed premises under a Class B or C liquor licence, or

(b) licensed premises under any other liquor licence if the liquor licence does not prohibit minors from entering into or being in the licensed premises.

(2) For the purposes of section 68(1) and (2) of the Act, the liquor licensee and the spouse, adult interdependent partner, employees of a liquor licensee and workers maintaining or making repairs to the licensed premises may be in the licensed premises when the sale and consumption of liquor in those premises are prohibited.

AR 143/6 s93;251/2001;122/2003

#### Minors in licensed premises

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;

(b) a minor may enter and remain in licensed premises for the purpose of entertaining patrons subject to the approval of the board and any conditions the board may establish;

(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.

AR 143/96 s94;131/2002;122/2003;108/2004

#### Games, entertainment and dancing

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

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

## Medicine

96(1) In this section, “pharmacist” means a pharmacist as defined in the *Pharmaceutical Profession Act*.

(2) A pharmacist, dentist, physician or veterinarian may store and use liquor in compounding medicines or as a solvent, preservative or disinfectant.

## Private office

97(1) An adult may store and consume liquor in the adult’s private office.

(2) An adult may provide liquor from the adult’s private office to the adult’s guests and the guests may consume the liquor in the private office.

(3) Where an adult’s private office is located in licensed premises, subsection (2) applies only between the hours of 10 a.m. and 2 a.m.

AR 143/96 s97;131/2002

## Religious ceremonies and sacraments

98 A priest, minister, member of a clergy or other religious leader who is authorized to provide liquor in the performance of religious ceremonies or sacraments under section 88 of the Act may store the liquor in the premises in which the religious ceremonies or sacraments will be held.

AR 143/96 s98;251/2001;131/2002

## Warehouse

99(1) The board may authorize the storage of liquor in a warehouse subject to any conditions established by the board.

(2) Liquor stored in a warehouse described in subsection (1) may be distributed from that warehouse in accordance with conditions established by the board.

## Liquor sale authorization

100 The board may authorize a person to sell, subject to any conditions specified in the authorization, any liquor or collection of liquor owned by that person or forming part of an estate or a trust for which that person is responsible.

## Part 4

### Repeal, Commencement and Expiry

101 Repealed AR 131/2002 s56.

102 Repealed AR 131/2002 s57.

## Expiry

103 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on July 15, 2012.

AR 143/96 s103;32/2001;131/2002

## Schedule 1

### Fees

Type of licence or registration	Fee
1 Gaming Licences	
(a) bingo licence, where the bingo event is required to be held at a licensed bingo facility,	\$30 per bingo event
(a.1) bingo licence, where the bingo event is not required to be held at a licensed bingo facility,	
(i) where the total card sales for bingo events held under the licence during a year are \$150 000 or less	no charge
(ii) where the total card sales for bingo events held under the licence during a year exceed \$150 000	\$30 per bingo event held during the year
(b) pull ticket licence	\$10 per set of sealed boxed or bagged pull tickets
(c) raffle licence, where total	

ticket sales	
(i) is \$10 000 or less	no charge
(ii) is more than \$10 000 and less than \$100 000	\$150
(iii) is \$100 000 or more and less than \$1 000 000	\$500
(iv) is \$1 000 000 or more	\$1000
(c.1) raffle licence authorizing a lottery scheme that involves prize bonds	\$10 000
(d) casino licence	
(i) for a casino other than at a fair or exhibition	an amount calculated by multiplying the number of gaming tables authorized by the licence, excluding poker tables, times \$15 times the number of days that the casino is authorized to be conducted under the licence
(ii) for a casino at a fair or an exhibition	an amount calculated by multiplying the number of gaming tables authorized by the licence, excluding poker tables, times \$35 times the number of days that the casino is authorized to be conducted under the licence

(a)	bingo facility licence	
	(i) where the licensee is a bingo association	no charge
	(ii) where the licensee is an individual, partnership or corporation	\$500
(b)	casino facility licence	\$500
(c)	racing entertainment centre facility licence	\$500
3	Registrations relating to gaming	no charge
3.1	Registrations relating to liquor	
(a)	liquor agency	\$200
(b)	liquor representative	\$50
4	Application fee for a liquor licence other than a special event licence	\$200
5	Class A or B liquor licence	\$200
6	Class C liquor licence	
(a)	for a senior citizens residence	\$25
(b)	for premises that are not a senior citizens residence	\$200
7	Class D liquor licence	
(a)	Retail liquor store licence	\$700
(b)	General merchandise liquor store licence	\$300
(c)	Off sales licence	\$100
(d)	Sacramental wine resale licence	\$25
(e)	Delivery service licence	\$200
(f)	Commercial caterers licence	\$200
8	Class E liquor licence	
(a)	Manufacturer's licence	
	(i) for first year of licence	\$2000

(ii) the fee for a subsequent year is based on total annual purchases of liquor by the Commission from the manufacturer in the preceding year as follows:

(A)	0 to \$1 000 000	\$500
(B)	\$1 000 001 to \$5 000 000	\$2000
(C)	\$5 000 001 to \$10 000 000	\$3000
(D)	\$10 000 001 to \$25 000 000	\$4000
(E)	Greater than \$25 000 000	\$4000 plus \$1000 for each additional \$25 000 000 or part of \$25 000 000
(b)	Brew pub licence	\$500
(c)	Cottage winery licence	\$500
9	Duty free store licence	\$500
10	Special event licence	
(a)	public resale - commercial event	\$500
(b)	public resale - community event	\$50 per day for up to and including \$1000 liquor purchases under the licence, \$100 per day for greater than \$1000 liquor purchases under the licence up to and including \$3000, \$200 per day for greater than

		\$3000 liquor purchases under the licence
(c)	private resale - for one event	\$25
(d)	private resale - annual	\$4 for each event to a maximum of \$200
(e)	private non-sale	\$10
(f)	hospitality licence	\$10
(g)	competition licence	\$25
(h)	industrial use licence	\$10
(i)	if a special event licence is issued by a Class D licensee, the Class D licensee is entitled to charge, collect and keep a service charge of up to \$2 for each special event licence issued.	
11	Repealed AR 122/2003 s11.	

AR 143/96 Sched.1;87/99;131/2002;122/2003;308/2003;4/2005

## Schedule 2

### Conditions Governing Retail Liquor Store Premises

1 In this Schedule,

(a) “building envelope” means the outer perimeter of the building in which an existing business is located and includes space rented, leased, subleased, sold or otherwise provided to others in the same building;

(b) “existing business” means a retail, wholesale or similar business owned or operated by an applicant for a retail liquor store licence at the time of the application and includes any other business located in the same building envelope that is associated with or owned or controlled in whole or in part by the applicant.

2 A retail liquor store

- (a) must be in premises that meet the conditions of this Schedule,
- (b) must be located in a permanent facility
  - (i) that is a freestanding building that does not contain another business, or
  - (ii) that is in a building in which there are other businesses,
- and
- (c) if it is in a building envelope where there are other businesses, the retail liquor store must
  - (i) have its own entrance and exit separate from the exit and entrance for any other business,
  - (ii) have a common wall between the area to be occupied by the retail liquor store and the area occupied by or to be occupied by any other business that is a solid floor to ceiling wall constructed of materials other than glass or transparent materials, and
  - (iii) have its own receiving and storage area separate from any other business.

3 There may not be any access

- (a) between the public areas of a retail liquor store premises and the receiving, storage or public areas of another business premises, or
- (b) between the receiving or storage areas of a retail liquor store premises and the receiving, storage or public areas of another business premises.

4(1) The owner or operator of an existing business that occupies an area of 929 square metres or less may apply to use the entire area of the existing business for a retail liquor store if the proposed premises meet the requirements of sections 2 and 3.

(2) If the application from an owner or operator of an existing business described in subsection (1) is for a retail liquor store premises that would occupy less than the entire area occupied by the existing business, the area of the existing business to be used for a retail liquor store must, in addition to the requirements of sections 2 and 3, meet the following conditions:

- (a) the area to be occupied by the retail liquor store must have its own entrance and exit separate from the exit and entrance for the existing business;

(b) the common wall between the area to be occupied by the retail liquor store and the area occupied by the existing business must be a solid floor to ceiling wall constructed of materials other than glass or transparent materials;

(c) the retail liquor store must have its own receiving and storage area separate from the existing business.

5(1) If the area occupied by an existing business is more than 929 square metres

(a) and the area is subdivided in order to establish a retail liquor store, the subdivided area does not qualify for use as a retail liquor store;

(b) and the area is subdivided for a use other than a retail liquor store, the subdivided area does not qualify for use as a retail liquor store;

(c) and the owner or operator rents, leases, subleases, sells or otherwise provides space to a third party for any purpose and that space is attached to or located within the building envelope that contains the existing business, the space occupied by the third party does not qualify for use as a retail liquor store, whether or not the applicant for a licence for a retail liquor store is the owner or operator of the existing business.

(2) The owner or operator of an existing business that occupies more than 929 square metres may apply to use the entire premises of the existing business for a retail liquor store.

(3) Notwithstanding subsection (1), if an existing business that occupies more than 929 square metres is located within a commercial development comprised of more than one separate and distinct building, the owner of the existing business may apply for a licence to operate a retail liquor store within the commercial development if the premises proposed for the retail liquor store

(a) are physically separate and detached from the premises occupied by the existing business,

(b) are not within the same building envelope as the existing business,

(c) are not in a building attached to the building envelope in which the existing business is located, and

(d) subject to clauses (a) to (c), meet the requirements of sections 2 and 3.

6 Subject to the prior approval of the board, an applicant for a retail liquor store licence who proposes to construct new premises or to renovate existing premises that will have an area of more than 929 square metres may apply for a retail liquor store licence in which the proposed liquor store will form part of the new construction or renovation, if the premises of the proposed liquor store are physically separate and detached and meet the conditions of section 5(3).

## Schedule 3

### Maximum Hours that Liquor may be Sold or Provided

Liquor Licence	Hours
1 Class A, B or C liquor licence	
(a) for all licensed premises other than those specifically mentioned in this item	10:00 a.m. - 2:00 a.m.
(b) convention centre, public conveyance, canteen, travellers' lounge	set by the board
(c) race track	2 hours before post time until end of last race, but subject to the hours set out in clause (a)
(d) sports stadium that is subject to stadium bylaws	during the hours specified in the stadium bylaws, but subject to the hours set out in clause (a)
(e) sports stadium that is not subject to stadium bylaws	2 hours before start of event until end of event, but subject to the hours set out in clause (a)
(f) theatre	2 hours before opening curtain until final curtain, but subject to the hours set out in clause (a)
2 Class D liquor licence	

- (a) retail liquor store licence 10:00 a.m. - 2:00 a.m.
- (b) general merchandise liquor store licence 10:00 a.m. - 2:00 a.m.
- (c) general off sales licence 10:00 a.m. - 2:50 a.m.
- (d) manufacturer's off sales licence 10:00 a.m. - 2:00 a.m.
- (e) sacramental wine resale licence 9:00 a.m. - 9:00 p.m.
- (f) delivery service licence 10:00 a.m. - 1/2 hour after last purchase was made
- 3 Duty free store licence set by board
- 4 Special event licence
  - (a) special event licences except public resale licences 6:00 a.m. - 2:00 a.m.
  - (b) public resale licence 10:00 a.m. - 2:00 a.m.