PRINCE EDWARD ISLAND

LIQUOR CONTROL COMMISSION

LICENSEE POLICY MANUAL

Last Revision: December 22, 2020

TABLE OF CONTENTS

1. **ADVERTISING**

    1. General Advertising

2. **ENTERTAINMENT**

    1. Dancing
    2. Nude Entertainment
    3. Dinner Theater
    4. Dining Room Entertainment

3. **GAMES**

    1. Bingo
    2. Prizes
    3. Safety
    4. Video Games, Pool Tables, etc.

4. **HOURS**

    1. Closing Hours
    2. Closing Hours & Time Changes
    3. Special Hours Authorization
    4. After Hours Consumption by Staff
    5. Last Call
    6. Extension of Hours Requests

5. **LICENSED PREMISES**

    1. Common areas
    2. Areas of Allowable Consumption

6. **LICENSING**

    1. Use of Lounge as Holding Areas

7. **MANUFACTURERS REPRESENTATIVES**

    1. Promotions
    2. Product Donations

8. **MINORS**

    1. Identification
    2. Legal Age

3. Minors Attending Licensed Functions
4. Minors in Lounges
5. Non-Alcoholic Functions
6. False Identification
7. Underage Entertainers

9. **PREMISES**

1. Renovations & Transferability of Ownership
2. Patios & Decks
3. Facility Service
4. Golf Courses & Beverage Cart Service
5. Control of Outside
6. Barbershops, Salons and Spas

10. **PRICE**

1. Product Pricing
2. Admission and Drink Entitlement
3. Discount Program
4. Food/Liquor Combos
5. Registered Guest and Drink Entitlement
6. Complimentary Drink

11. **PRODUCT**

1. Replacement of Defective Product
2. Bottle Your Own Wine
3. Home Made Wine

12. **SEATING**

1. Stand-up Bars

13. **SERVICE OF LIQUOR**

1. Dispensers
2. Underage Employees
3. Bar Service - Staff
4. Infusions and Pre-Mixed Drinks
5. Package Sales License
6. Serving to Point of Intoxication

14. **RESPONSIBLE BEVERAGE SERVICE**

1. Mandatory Training
2. Labour Mobility Recognition
3. Incident Log
4. Infusion and Pre-Mixed Drinks

TABLE OF CONTENTS - CONTINUED

15. **SAFETY**

1. Capacity & Fire Safety
2. Police Charge Laid In Or About Premises
3. Disorderly Conduct

16. **INSPECTIONS**

1. Licensee Obligations
2. Liquor Inspector Role

ADVERTISING

Policy Guidelines

Rationale: ***To clarify the law governing advertising of liquor.***

Authority: ***Liquor Control Act, Section 50***

Policy: The advertising of liquor on Prince Edward Island is permitted by Licensees under the following guidelines:

1. A licensee may display signs inside or outside the premises naming the premise and identifying it as licensed, all signs must comply with municipal bylaws and these guidelines.

2. A licensee may use a branded sign board "A-Board" to promote food specials and entertainment taking place within the premise. The sign must meet all municipal bylaws and these guidelines.

3. A licensee may use slang terms to promote any event or product available in the premise provided the advertisement does not imply irresponsible service of alcohol and over consumption.

4. A licensee may advertise an all-inclusive package which includes the price of liquor (e.g. Champagne breakfast, Steak and beverage, Mother's Day Special) provided food is the primary element of the promotion.

5. A licensee shall not advertise or promote contests or events that require the consumption of alcohol to enter or participate.

6. A licensee shall not advertise scenes showing patron consuming alcohol or intoxicated patrons.

Licensees are responsible to ensure that the advertisements comply with the Liquor Control Act and Regulation and these guidelines. Prior approval of the Commission is not necessary, however, a licensee may submit their advertising to the Corporate Services Department for an opinion as to whether or not the ad complies with the Regulations and Policies.

Dancing

Rationale: ***To ensure the provision of adequate and proper facilities for those wishing to dance.***

Authority: ***Liquor Control Act Regulations***
Section 70 (i) and Section 76

Policy: Licensed lounges, clubs and military canteens providing live or recorded music and entertainment intended for dancing shall provide a clearly defined and suitable dance floor **NOT LESS THAN 15% OF THE SQUARE FOOTAGE OF THE USABLE AREA OF THE ROOM IN WHICH THE FLOOR IS LOCATED**.
In the absence of a suitable dance floor (as determined by the Commission or its agents) dancing shall not be permitted.
Dancing shall not be permitted in corridors, common areas or in spaces in seating areas.

.

Nude Entertainment

Rational: ***To provide a minimum standard for Nude Entertainment.***

Authority: ***Liquor Control Act and Regulations***
Section 70 (i)

Policies:

1. Nude entertainment is allowed in licensed premises provided that the city, town, municipality, community or the residents-thereof, in which the premises is situated, is not opposed to nude entertainment and written support is provided to the Commission and for those areas not governed by elected officials, the Commission will conduct an independent survey of area residents.

2. Entertainers are not permitted to perform totally nude. The genital areas must be covered by a "G" string or bikini bottom.

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

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

5. Full height solid walls are required for any premises providing nude entertainment. Nude entertainment must not be visible from outside the premises.

6. A standardized warning sign must be posted at all entrances to the licensed premises and plainly visible to anyone entering: "Warning: Nude entertainers appearing within these premises. Some patrons may find this offensive."

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

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

Policy Continued:

9. While on the licensed premises, entertainers must:
   (a) be fully clothed when not on the stage/dance floor;
   (b) move directly between the change room and the stage/dance floor; and
   (c) not have physical contact with licensee staff or patrons.

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

11. Two (2) or more entertainers may perform at the same time with the following conditions:
   (a) the entertainers must perform independently of each other and stay at least one (1) metre apart;
   (b) the entertainers may not interact with each other or have any physical contact, clothed or nude; and
   (c) advertising cannot promote "duos" or other similar activities.

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

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

14. Licensee staff are not allowed to be nude or expose their breasts while on duty.

15. Bar tabs shall not be given as compensation to performers.

16. Patrons may be allowed on the stage/dance floor when the clothed entertainers are conducting picture and/or autograph promotions.

Dinner Theater

Rationale: ***To clarify the term "Dining Theater" and the use of licensed premises for dinner theater.***

Authority: ***Commission Policy***

Policy: Dinner Theater shall be interpreted to mean: The live theatrical performance of a play.

Dinner Theater must include the provision of a meal to all patrons. The price of liquor cannot be included in the price of admission.

Dinner Theater will be the only use a premise may be put to for the that evening. When the dinner theater is over, the premise must be cleared of minors.

If a Dinner Theater contains coarse language or adult situations, then the licensee must advise customer of same on any ticket produced and post a sign at the entrance advising customer of the fact using the following wording:

"Program contains coarse language or adult situations, parental discretion is advised."

Minors may be present only if accompanied by a parent or legal guardian. If minors are allowed then the responsibility to ensure they do not receive alcoholic beverages rests with the licensee.

The licensee must post his premises with a sign reading: -

"Dinner Theater" from _____ to _____

Dining Room Entertainment

Rationale: ***To allow reasonable forms of background music while patrons are dining.***

Authority: ***Liquor Control Act, Section 8.(2) (p)***
Liquor Control Act Regulations, Sections 70 (i) and 76

Policy:

1. The playing of a musical instrument and singing as background entertainment while patrons are partaking of a meal is permitted.

2. Dancing or the provision of any other type or form of entertainment in a licensed dining room is prohibited unless authorized by the Commission in writing.

Rational: ***To ensure that bingo is not restricted to those 19 years of age.***

Authority: ***Liquor Control Act Regulations***
Section 33 and 47
Commission Policy 5.2

Policy: Repealed.

Rational: ***To clarify rules governing contests in licensed premises.***

Authority: ***Liquor Control Act Regulations***
Section 71

Policy: Tournaments and contests may be held in licensed premises and trophies and prizes may be awarded provided:

1. Liquor offered or given as a prize cannot exceed the equivalent of two standard servings;

2. That such events do not involve the consumption of liquor as a contest;

3. That participation in such contests does not endanger the life or safety of any patron;

4. Bar tab prizes are not to exceed the equivalent of two standard servings;

5. Raffles and Gift Baskets:
   - product must be purchased from the Commission
   - winner must take unopened winnings from the licensed premises
   - Licensees may choose to issue PEILCC Gift Certificate as an alternative

6. All advertising with regard to liquor prizes or bar tab prizes as well as to raffles and gift baskets shall be confined to within the premises.

Rationale: The policy is established as a matter of safety and control.

Authority: Liquor Control Act Regulations, Section 33

Policy: Liquor may not be consumed on the ice surfaces of curling clubs.

Rationale: ***To clarify Commission Policy on the possession, placements and operation of games.***

Authority: ***Liquor Control Act Regulations***
Section 70 (f) and (g)

Policy: The Commission considers it permissible to have and operate table top video games, pool tables, video lottery terminals and other games only in licensed lounges, clubs, military canteens and special premises, **in age restricted areas.**

In particular, pool tables may be installed in licensed lounges, clubs, military canteens, and special premises, the number of tables to be determined by the Commission, provided the following conditions are complied with:

(a) The clearance around the pool table is as follows:
- a distance of 4 feet from any wall or obstruction and 3 feet from any adjacent pool table

The above policy is in keeping with manufacturers recommendations for a 4 X 8 pool table installation.

(b) The area in which pool tables or video games are located shall be away from the seating area so that the movement of patrons does not interfere with those playing the game. **Video Lottery games must be located away from windows and cannot be accessible to minors.**

Only video gambling machines approved by the PEI Lottery Commission are permitted in licensed premises.

If a licensee installs a video game, pool table or like game, he must adjust his capacity to account for the decreased floor space. The Licensee must provide the Commission with an updated capacity from the Fire Marshal representing this adjustment to his capacity.

Closing Hours

Rationale: ***To ensure that closing hours are adhered to and to ensure conformance with the regulations.***

Authority: ***Liquor Control Act Regulations, Section 78***

Policy:

1. The prescribed closing hour is 2:00 a.m. unless otherwise stipulated by the Commission.

2. **BAR HOURS MUST BE POSTED IN CONSPICUOUS LOCATION(S) ABOUT THE PREMISES.**

3. No liquor, beer or wine shall be served after the prescribed closing hour. All orders must be taken and served prior to the prescribed closing hour.

4. **DRINKS MUST BE CONSUMED AND THE PREMISES CLEARED OF PATRONS ONE HALF HOUR AFTER THE PRESCRIBED CLOSING HOUR.**

5. No more than two standard drinks per customer may be served during the last call time frame. Refer to Page 4.5 for details on last call and drink limits.

6. No one but working staff is to be in the premises beyond one half hour after closing.

Closing Hours & Time Changes

Rationale: ***To clarify the closing hour for Spring and Autumn time changes.***

Authority: ***Liquor Control Act Regulations, Section 78***

Policy:

Spring Time Change

In spring the time moves forward one hour at 2:00 a.m., moving to 3:00 a.m. on the clock. At this time licensees:

- must stop the sale of liquor; and
- clear the premises of all patrons within one half hour of the closing hour.

Autumn Time Change

In autumn the time moves back one hour at 2:00 a.m., to show 1:00 a.m. on the clock. At this time licensees:

- may turn the clock back one hour;
- continue to sell liquor until 2:00 a.m. (new autumn time); and
- must clear the premises of all patrons within one half hour of the closing hour.

Special Hours Authorization

Rationale: ***To allow the use of lounges on Sundays or other specified times and days as and for the purpose of a dining room for special events, occasions and/or functions.***

Authority: ***Liquor Control Act Regulations***
Section 30

Policy: Approval for the use of a lounge as a dining room may be granted by the Commission on such terms as it considers appropriate in the circumstances after application has been made in writing to the Commission.

Proper meals consisting of more than a single food item are required to be served to those attending the function before the Commission will consider approval.

After Hours Consumption By Staff

Rationale: ***To clarify that closing hours are applicable to working and non-working staff.***

Authority: ***Liquor Control Act, Sections 8. (2) (q) and (s)***

Policy: No person, including working and non-working staff, are permitted to consume any liquor on the premises after the prescribed hours of operation.

HOURS

Last Call

Rationale: To stipulate the last call time period if not announced and to prevent increased or excessive consumption.

Authority: Liquor Control Act, Section 8 (2) (p)

Policy:

1. The issuing of "last call" is only a courtesy extended to patrons of licensed premises. It is not necessary to advise patrons of last call but it is strongly recommended by the Commission.

2. In the absence of a last call announcement the Commission deems it to be 20 minutes from the closing hour for purposes of the maximum number of drinks that a patron can be served per order.

3. The providing of more than two standard drinks per customer during the last call time period is prohibited. The standard drink serving being ...

    1 - 341 ml (12 oz.) beer
    1 - 341 ml (12 oz.) draught beer
    1 - 142 ml (5 oz.) wine
    1 - 42.6 ml (1.5 oz.) spirit
    1 - 341 ml (12 oz.) cooler

.

Extension of Hours Requests

Rationale: **To provide information and assistance in understanding the requirements that are considered by the Commission for an extension of hours request from a licensee.**

Authority: **Liquor Control Act Regulations, Section 77**

Policy:

1. The standard hours of operation are set out in the Liquor Control Act Regulations so extension of hours approvals are intended for rare or special events.

2. Due to a long-standing tradition, all active licensees in good standing may stay open to 3:00 a.m. on New Year's Eve, and are not required to obtain Commission approval.

3. To be considered for an extension of hours the event should be of a municipal, provincial, national or international significance.

4. A request for an extension of hours should be submitted in writing by mail, email or fax, to the Commission a minimum of seven (7) days prior to the date on which the extension of hours is to occur and contain the following information:
   - explanation or documentation supporting how the event qualifies;
   - date(s) of the event; and
   - proposed extension time(s).

5. On a case by case basis the Commission may consult with law enforcement and/or the municipality in its assessment of any request.

6. The decision of the Commission is final and not subject to appeal.

LICENSED PREMISES

Common Areas

Rationale: ***To ensure the maintenance of order and the safety of patrons entering and exiting licensed premises.***

Authority: ***Commission Policy***

Policy:

1. The Commission is of the view that all aspects and areas of licensed premises fall under its jurisdiction.

2. Any area of licensed premises which can be construed or is used as a common area, i.e., lobbies, corridors, stairways, washrooms and so forth, **are normally** areas where the possession of liquor is absolutely prohibited.

3. Liquor may only be in the possession of patrons within the physical confines of the room(s) or area(s) comprising the licensed premise and in **a common area(s) if approved by the Commission.**

4. If a stairway is licensed, patrons are only permitted to carry their alcoholic beverage from one level to another. Under no circumstances is consumption allowed on a stairway.

5. Any licensed lobby is a transient area only and patrons are not to congregate. Requirements established by the Provincial Fire Marshal's Office apply.

Areas of Allowable Consumption

Rationale: ***To ensure the maintenance of order and the safety of patrons entering and exiting licensed premises.***

Authority: ***Commission Policy***

Policy: Alcoholic Beverages may not be consumed in the following areas of a licensed premise:

- Common areas as defined in Section 5.1 unless approved by the Commission
- Stairways for safety reasons
- Ice surfaces for safety reasons

Rationale: ***To allow for the expansion of regular dining room service as required to accommodate overflow business in excess of that capable of being served in existing facilities, and to allow for the provision of bar service to patrons awaiting seating in a dining room.***

Authority: ***Liquor Control Act Regulations Section 15 and 30***

Policy: In all cases licensees seeking to obtain permission from the Commission for approval to use a designated area adjacent to a dining room as a holding area shall:

(a) make application in writing to the Commission;

(b) provide a floor plan, in detail, or such other information as the Commission may require and deem acceptable, outlining the area sought to be designated, and confirming the capacity in seats of the proposed designated area;

(c) provide the Commission with a clear and precise summary of the purpose, intent and need for the designation of the space requested to be approved.

With respect to the use of an area as a holding area for patrons awaiting dining room service, the following conditions apply:

(i) the number of patrons in the designated area shall not exceed the number of seats available in the area;

(ii) a holding area shall not include or encroach upon any area deemed by the Commission to be a "common area";

(iii) in order to be served, patrons must be waiting for food service in the dining room;

(iv) the dining room must be full;

Policy Continued:

(v) patrons shall not be served more than two (2) drinks in the holding area;

(vi) minors may be present in designated holding areas provided they are accompanied by their parents, guardians or other adult persons.

MANUFACTURERS REPRESENTATIVES

Promotions

Rationale: ***To clarify the Act and provide an interpretation of Commission Policy for licensed premises and manufacturers representatives.***

Authority: ***Liquor Control Act***
Sections 34 and 50

Policy:

1. Licensees shall provide the Commission with at least 48 hours advance notice of any product sampling promotion being held by a manufacturers representative.

2. Any unused product cannot leave the premises and must be disposed of.

3. Representatives may sample or promote their products with patrons of licensed premises provided:

   (a) the licensee is aware of the representative's presence on the licensed premises;

   (b) the representative is properly identified as to his capacity as a representative to the patrons;

   (c) the products consumed are purchased from the licensee;

   (d) products are not provided to patrons disqualified from consumption by virtue of their condition or the provisions of the Act and Regulations;

   (e) product is not provided to the licensee in replacement of product consumed.

4. Representatives may sample product with Licensees provided:

   (a) the product is listed with and purchased from the Commission;

   (b) it is conducted only during business hours; and

   (c) the persons sampling the product are not on duty serving patrons.

Policy Continued:

5. No representative shall promote a contest that:

   (a) involves the consumption of alcoholic beverages to qualify for participation in such contest;

   (b) induces excess or over consumption of alcohol in any manner whatsoever.

6. Manufacturers or manufacturers' representatives desirous of promoting sporting, cultural or social events in or about licensed premises or elsewhere in the province must not seek to or in any way act so as to promote or induce over or excess consumption of liquor.

7. Liquor may be given as a prize in any game, contest or promotion.

Product Donations

Rationale: ***To allow suppliers provide support to charitable organizations/events through product donations.***

Authority: ***Liquor Control Act***
Sections 34 and 50

The PEI Liquor Control Commission (PEILCC) does not make product donations.

Policy:

1. The PEILCC does allow donations to charitable organizations/events from suppliers as follows:
   (a) If a supplier chooses to sponsor a charitable event, they must submit a written request to the Director of Purchasing & Distribution of the PEILCC for a reduction in the PEILCC's mark-up to a maximum of $500. (See Page No. 7.2a).
   (b) This reduction in the Commission's margin will be granted only once during each fiscal period.
2. Upon approval from the Director of Purchasing & Distribution of PEILCC, arrangements for product pick up will be made.
3. Product will be billed by the PEILCC's head office.
4. In the event the supplier has already sponsored an event during the fiscal year, all purchases for event sponsorships must be purchased from the PEILCC at full retail.

PEI LIQUOR
ALCOOL Î.-P.-É.
Please drink responsibly.

Ms. Linda Somers
Director of Supply Chain & Property Management
PEI Liquor Control Commission
3 Garfield St.
Charlottetown, PE C1A 6A4

Dear Ms. Somers:

In accordance with the PEI Liquor Control Commission's Product Donation Policy, I wish to sponsor the even known as "_____" and request approval for a reduction in the PEILCC markup for the following wines/beers or spirits & quantities:

In addition, I will also pay the sum of $_____ (up to $500 maximum) to cover a portion of the remaining cost of the wines/beers or spirits with the understanding that the event organizers/Licensee will pay the balance.

The wines/beers or spirits will be purchased under the following license or permit:

Licensee/Permit Holder Name: _____

Licensee/Permit ID Number: _____

Licensee/Permit Holder Signature: _____

Product Representative Name: _____

Product Representative Signature: _____

Date: _____

MINORS

Identification

Rationale: ***To ensure patrons entering licensed premises provide solid form(s) of identification and to confirm the obligation of a licensee to ensure that patrons are of legal age.***

Authority: ***Liquor Control Act, Sections 8(2)(h.1) and 8(2)(s)***
Liquor Control Act Regulations
Sections 25, 36 and 46

Policy: Pursuant to the provisions of the Liquor Control Act, licensees are advised that minors are not permitted in licensed premises except as provided for under the Regulations to the Liquor Control Act.

The Commission further advises licensees that the onus of ensuring that a patron is of legal age is the responsibility of the licensee. Photo identification is a reliable means of confirming age, subject to the directions which follow:

1. The PEI Liquor Control Commission considers the following forms of government issued, non-expired, photo identification as acceptable for admittance to licensed premises:

   - Driver's License
   - Voluntary ID
   - Passport
   - Nexus Card
   - Canadian Permanent Resident Card
   - Indian Status Card
   - Military Photo ID
   - Firearms License
   - Photo card issued by other Liquor Boards

   Note: Expired identification is not acceptable EXCEPT for the following:
   (i) an expired Driver's License along with the official renewal receipt may be accepted if presented within **60 days**;
   (ii) Federal government issued Indian Status Card may be accepted if presented within one year of the expiry date.

Policy Continued:

2. In cases where the information or picture is questionable, the Licensee shall ask for additional identification such as:

   - Birth or Baptismal Certificate
   - Non-expired Credit or Debit Card
   - Employee Photo ID
   - University Photo ID
   - Social Insurance Card
   - Diving License
   - Vehicle Registration

3. Provincial Heath Card containing photo may be accepted as additional identification if voluntarily presented.

4. Scanned (electronic) or photocopied identification are not acceptable.

5. If a patron cannot produce the required identification, he/she must be ordered to leave the premises.

6. Vouching by a Licensee for a patron who was requested to provide valid photo ID and was unable to do so is prohibited.

7. Use discretion when reviewing government issued identification from another country. If the date of birth is not legible in English then entrance to the premises or liquor service may be refused.

Legal Age

Rationale: ***To confirm the provisions respecting legal age.***

Authority: ***Liquor Control Act***
Sections 40 and 43

Policy: The Liquor Control Act was amended and the amendments raised the drinking age to 19 years as of July 1, 1987.

Minors attending licensed events

Rationale: ***To clarify approval requirements for minors attending functions.***

Authority: ***Liquor Control Act Regulations***
Sections 74.1

Policy: The Regulations prescribe the following types of events for which a licensee may allow minors, with or without parent/adult guardian, to attend without obtaining Commission approval:

- Family events - wedding, wedding shower, birthday, anniversary, reunion or funeral reception;
- Community events - fundraiser or charity benefit;
- Family orientated entertainment or event.

The licensee can set terms on any approval but must ensure minors do not consume alcohol.

If there is any doubt as to if the event falls within the meaning and scope of allowed events that minors may attend the licensee must contact the Commission for a decision.

For licensees seeking Commission approval to permit minors to attend or participate or assist in an event, other than what is allowed as set out in the Regulations, these guidelines shall apply.

Types of Events

The Commission will consider the following type of requests:

1. To attend a specific private or public event which may or may not form any part of a licensee's daily operations.

2. For greater certainty, the Commission will not approve minors to attend an event which is deemed outside the intent of the Regulations. For example karaoke, open mic or trivia, depending upon the circumstances may or may not be approved.

Conditions

The following conditions may or may not form part of every Commission approval:

1. The minor must be accompanied by his/her parent or legal guardian at all times.

2. When the parent or legal guardian leaves the licensed premise, the minor must also leave.

The Commission may also attach any other conditions considered appropriate. Written approvals issued by the Commission will contain the terms and conditions of the approval to which Licensees must comply at all times.

Policy Continued:

Advance Approval Required

Commission approval must be obtained in writing by the licensee at least one (1) week in advance for all functions.

Commission Decision is Final

The decision of the Commission is at its sole discretion and is final.

Minors in certain licensed premises for a meal

Rationale: ***To provide access to age restricted premises for family group meals.***

Authority: ***Liquor Control Act Regulations***
Section 74.1 and 74.2

Policy: The purpose is to establish written approval for licensees to permit persons under the age of nineteen years to enter, to be in or remain in certain licensed premises for the intent of consuming a full course meal where such is available and is part of the daily operation.

Conditions

Unless otherwise indicated, the following conditions form part of every Lounge, Club, Military Canteen and Special Premises License and constitute written approval by the Commission allowing minors to be in or remain in the premises for the purpose of consuming a full course meal:

1. The minor must be accompanied by his/her parent or legal guardian at all times.

2. When the parent or legal guardian leaves the licensed premise, the minor must also leave.

3. The parent or legal guardian responsible for the minor shall not use any video lottery terminal.

4. Minors shall be permitted in the licensed premise between the hours of 9:00 a.m. and 2:00 a.m. from Monday to Sunday.

5. Minors shall only be permitted in the licensed premise for consuming a full course meal.

6. **Notwithstanding anything else in this Policy, minors shall not be permitted in licensed premises where live entertainment is provided unless it is in compliance with the allowed events prescribed in the Regulations or the licensee has received prior Commission approval pursuant to the policy on Pages No. 8.3 and 8.3a of this manual or any similar or replacement direction from the Commission.**

Policy Continued:

7. This written approval for minors to be in or remain in licensed premises for the purpose of consuming a full course meal and associated conditions is subject to change without notice to licensees at the sole and absolute discretion of the Commission. It is the responsibility of each licensee to ensure knowledge, familiarity and compliance with the current written approval and conditions pursuant to this Policy or any subsequent policy or written approval which replaces this Policy.

8. Written approval for minors to be in or remain in licensed premises for the purpose of consuming a full course meal attaches to and forms part of the license for its term. Any renewal of the license shall be subject to the written approval and associated conditions applicable at the time of the renewal.

9. Licensees not wishing to allow minors for a meal as permitted must post a Notice in an obvious location in the licensed premise stating:

House Policy

MINORS PERMITTED FROM (time) to (time)

OR

MINORS NOT PERMITTED

Non-Alcoholic Functions

Rationale: ***To set terms for Non-Alcoholic Functions***

Authority: ***Liquor Control Act, Section 8(2)(s)***
Liquor Control Act Regulations, Section 95(l)

Policy: The purpose is to establish guidelines for licensees seeking Commission approval to permit persons under the age of nineteen years to attend a non-alcoholic function intended to be hosted by the licensed premises.

Scope: This policy applies to all license types.

Allowable Days and Hours

As approved by the Commission:

1. Any day of the week; and
2. Between the hours of 9:00 a.m. and 2:00 a.m.

Conditions

1. Morning and afternoon functions will require the premises to be closed for the sale of alcohol until the function starts and the premises must remain closed and cleared of all persons attending the non-alcoholic function one hour prior to opening for the sale of alcohol after the event.

2. Functions starting at 6:00 p.m. or later will require the premises to be closed and cleared of all patrons one hour prior to opening for the non-alcoholic function and the premises shall remain closed for the sale of alcohol until either the following day or same day depending upon the end time of the event.

Note: If there is a distinct and separate entrance as well as area for the non-alcoholic function the Commission may consider allowing the premises to remain open for the sale of alcohol.

3. All liquor and liquor advertising must be removed or covered.

4. All VLTs must be covered if such units are present in the area.

5. The licensee must ensure adequate supervision and control at all times.

Note: The Commission reserves the right to direct the licensee to hire certified security personnel or off-duty police officers.

6. Once a person enters the premises to attend the non-alcoholic function and should they then leave before the end time their re-admittance shall be denied.

Licensee Request

1. Must be submitted in writing to the Commission at least 7 days in advance of the proposed function.

Note: Licensees are not to book a non-alcoholic function until after the Commission reviews the request and an approval is received.

Approval Required

1. Commission approval must be obtained in writing by the licensee.

Commission Decision is Final

1. The decision of the Commission is at its sole discretion and is final.

False Identification

Rationale: ***To provide a manner in which licensees may obtain information relating to alleged offences involving the use of false identification.***

Authority: ***Commission Policy***

Policy: Guidelines Regarding False Identification

1. If a licensee suspects that an individual has presented false identification, the licensee shall refuse the individual entry into the premises.

2. When presented with suspected false identification, the licensee shall immediately endeavour to:

   (i) notify a police officer or liquor inspector if either is readily available as both have the authority to confiscate false identification; or

   (ii) in the absence of a police officer or liquor inspector being available to confiscate a false identification, photocopy the identification or record all relevant information from the identification, including the name, date of birth, address, expiry date and the license number.

3. If, upon challenge, an individual abandons the identification, the licensee shall ensure that the abandoned identification is promptly provided to the Liquor Control Commission or to the Registrar of Motor Vehicles.

4. If an individual demands the return of the identification, the licensee shall return the identification to the individual, even if the licensee did not have an opportunity to copy the identification or record its information. A licensee should not detain any individual suspected of presenting false identification.

Underage Entertainers

Rationale: ***To provide advice to Licensees on approving underage entertainers.***

Authority: ***Liquor Control Act Regulations***
Sections 74.1

Policy: To provide guidelines for licensee consideration in approving underage entertainers. The following conditions shall comprise any approval issued by the licensee.

1. The minor be accompanied by his/her parent or legal guardian at all times.

2. When the minor is finished performing he/she must immediately leave the premises.

3. The supervising parent or legal guardian is not to consume liquor.

It will be at the discretion of the licensee as to the provisions of approvals and in what format are issued. A Form such as the Example on Page No. 8.7a may or may not be utilized.

Under no circumstances are minors to be consuming alcohol.

SAMPLE FORM

UNDERAGE ENTERTAINER PERMISSION FORM

Form must be fully complete and submitted to the licensed premises prior to the performance date.

Failure to comply with these terms and the Regulations may result in sanctions being issued by the PEI Liquor Control Commission on the underage entertainer, parent and/or license holder.

Permission is requested to allow _____,

(birth date)_____ to perform as an underage entertainer at_____

on_____ with the group_____.

I _____ as parent of _____declare:

1. That he/she will be under the direct supervision of myself_____or _____while on the premises;
2. That he/she will leave the licensed area when not performing and will not take part in any other activity while on the premises;
3. That he/she nor I will not consume or attempt to obtain alcoholic beverages while on the premises.

Parent's Name _____ Parent's Signature_____

Address _____ Phone _____

Parent's Email_____

4. Approval from licensed premise representative:

_____ _____

Print Name Signature

Renovations & Transferability of Ownership

Rationale: ***To maintain standards within the industry and to ensure conformance with Regulations prior to the commencement of construction or renovations to licensed premises.***

Authority: ***Liquor Control Act Regulations***
Sections 62 (1), 63 and 64

Policy: The Commission requires that before any physical alterations are made to any licensed premises that the following be submitted to the Commission prior to the commencement of renovations or alterations:

1. A floor plan outlining the proposed renovations or alterations must be sent to the Commission.

2. A letter requesting licensing of the new area or the area as renovated or altered must be sent to the Commission.

Upon completion of the renovations or alterations, a licensee must request an inspection by the Health Department and Fire Marshals' Office and these reports must be filed with the Commission indicating that the premises conform to regulations. Also a final inspection by the Commission must be made before licensing can be expanded.

A license granted under this Act shall not be transferable unless approved by the Commission in writing.

Rationale: ***To assist licensees in providing a wider range of service to patrons during warm weather.***

Authority: ***Liquor Control Act Regulations***
Sections 62 (1) (2) and 63

Policy: The Commission has created the following guidelines for outdoor patio areas adjoining licensed outlets:

1. Written application must be received by the Commission requesting licensing. The application must contain the following:

   (a) floor plan
   (b) health report
   (c) fire report
   (d) a letter from Municipality or some other community control group stating municipal support, or if this support is not available, a poll of the residents of the area for support.

2. The patio shall be a permanent structure, unless otherwise approved by the Commission.

3. Access to the patio shall be determined by the Commission based on location and purpose.

4. An enclosure shall surround the patio area and shall contain a fire exit in accordance with the National Building Code.

5. The enclosure shall be constructed of a material and to a height suitable for the location and to the Commission.

6. The patio shall have suitable flooring, such as: concrete, wood decking or the equivalent.

Policy Continued:

7. The patio area must remain under the control of the licensee.

8. Entertainment will not be permitted on the patio, that is, music, dancing, etc.

9. Patio hours shall be 9:00 a.m. to 10:00 p.m.

10. Patios to be used after 10:00 p.m. nightly will require special authorization from the Commission. Approval will be dependent on the maintenance of the tranquillity of the surrounding area being maintained and no disturbance being caused to adjoining property owners.

11. In the case of inclement weather, patrons must be moved inside. The number of patrons inside cannot exceed the total allowable by the Fire Marshal.

12. Licensees may use branded merchandise on their patio - e.g. umbrellas.

PREMISES

Facility with beer consumption in seats.

Rationale: ***To permit in seat consumption of beer at professional sporting or other events.***

Authority: ***Liquor Control Act , Section 10(1)***
Liquor Control Act Regulations, Section 9.1

Policy: The consumption of alcohol in the seating area of an indoor or outdoor facility (i.e. arena, ball park, etc.) will be permitted by the Commission, under the following terms:

1. it is a professional or semi-professional sporting event, a National Championship, National Team, Major Junior Hockey or such other event as approved by the Commission;

2. the event is a lights on event;

3. the facility must be suitably equipped to permit such a function;

4. seating capacity of the facility will not be less than 3,000 unless otherwise approved by the Commission;

5. dry areas must be designated;

6. terms of service and security will be as directed by the Commission;

7. service of liquor:
   (a) beer - pre-poured in plastic cup or by opened can;
   (b) wine, spirits and coolers - pre-poured in plastic cup;
   (c) maximum 4 per customer per serving.

Golf Courses & Beverage Cart Service

Rationale: ***To assist licensed golf courses in providing enhanced service to patrons***

Authority: ***Liquor Control Act - Sections 8(2)(r) & (s)***
Liquor Control Act Regulations - Sections 50.1(9) & (10)

Policy:

1. Motorized vending carts and kiosks used to supply alcoholic beverages must be approved by the Commission and must contain:
   - proper cooling for beverages;
   - non-alcoholic beverages; and
   - food.

2. Number of carts and kiosks permitted:
   - 18 hole course: two carts and one kiosk; and
   - 9 hole course: one cart and one kiosk.

3. The operator of the cart/kiosk must be at least 19 years of age, have a valid certificate under the PEI Mandatory Server Program, and be familiar with the Liquor Control Act & Regulations and Commission Policies.

4. Persons under 19 years of age must not be provided alcohol by the cart/kiosk operator or any other person.

5. Opened alcohol service:
   (i) Permitted beverages to be served are:
   - beer;
   - spirit and wine coolers;
   - spirits; and
   - wine.

   (ii) Service may be provided at any tee off area and on the fairway, subject to golf course etiquette.

   (iii) Beverages purchased in the clubhouse may be brought directly onto the course:
   - such purchases cannot be carried into/across non-permitted areas such as a parking lot.

Policy Continued:

6. Unopened alcohol service - for consumption on the playing area only:
   (i) Permitted beverages to be served are:
   - beer; and
   - spirit and wine coolers.

   (ii) No more than two standard servings of unopened alcohol per person.

   (iii) Unopened beverages purchased in the clubhouse must be taken directly onto the course:
   - such purchases cannot be carried into/across non-permitted areas such as a parking lot.

   (iv) Unopened alcohol cannot be taken back into the clubhouse:
   - such purchases must be consumed or disposed of on the course.

   (v) Unopened alcohol shall not be sold or served on the tee off area or on the fairway of the last hole of the golf course.

7. Consumption of alcohol around the clubhouse and practice areas such as the driving range or putting green is not permitted.

8. Hours of operation:
   - beverage cart/kiosk service cannot begin before 9:00 a.m. and must end at dusk, Monday through Sunday inclusive; and
   - the 9:00 a.m. daily start time for service also applies to the clubhouse.

9. Signage:

   (i) Shall be posted at the entrance to the golf course and/or first tee advising that only alcohol purchased from the club (i.e. cart/kiosk or clubhouse) is allowed on the course.

   (ii) If selling unopened alcohol for consumption on the course signage should be posted indicating: maximum two servings per person, purchases from clubhouse must be taken directly onto the course; and unopened alcohol cannot be taken back into the clubhouse.

10. A Course Marshal or other designated employee shall be on duty on the course at all times alcohol is being served to ensure compliance with these terms and conditions.

Control of Outside

Rationale: ***To ensure licensees always operate with the public interest in mind and make reasonable efforts to prevent or minimize any potential misconduct by patrons outside their licensed premises.***

Authority: ***Liquor Control Act - Section 7(l)***

1. Licensees are expected to be good neighbours and address any potential misconduct that may originate from their premises and disperse into their local communities.

2. The license holder should ensure that reasonable measures are in place and reasonable efforts are made to:
   (a) deter misconduct on the property adjacent to and in the vicinity of the premises; and
   (b) minimize damage, nuisance or other harm to such property arising out of misconduct engaged in by patrons of the licensee or persons attempting or waiting to enter the premises or leaving the premises.

3. Misconduct includes alcohol consumption, drug use and fighting in parking lots, indecent acts, excessively noisy patrons gathering outside the premises after closing time, and damage or vandalism to property of adjacent businesses or residences.

4. If misconduct is reported and reasonable measures were not taken by the licensee to prevent such misconduct the PEILCC may exercise its discretion to take remedial action against the licensee in accordance with the Act and Regulations.

Barbershops, Salons and Spas

Rationale: ***To assist these types of premises in providing enhanced services to customers.***

Authority: ***Liquor Control Act - Sections 8(2) (q) & (s)***
Liquor Control Act Regulations - Section 50.1

---

1. Eligibility

(i) In order to qualify for a Special Premises Liquor License, an establishment must offer, as its primary business:

- Spa services, such as massage, manicures, pedicures, body waxing, salt scrubs or other therapeutic health procedures;
- Barbering services; or
- Hairdressing services.

(ii) An establishment whose primary source of business is the retail sale of salon or spa related products, such as hair care or facial care products, is not eligible for licensing.

(iii) An establishment must be operated from a location with zoning for commercial/retail activity in order to qualify for licensing.

2. Places and Times When Sale May Occur

(i) The licensee may only serve and sell beverage alcohol to customers who are attending the establishment to receive barbering services, hairdressing services or spa services, while they are receiving or waiting to receive the services.

(ii) The licensee may serve and sell beverage alcohol only in the areas of the premises that are listed on the license. When determining the areas of the premises that beverage alcohol may be served and consumed the PEILCC will apply the following guidelines:

- Areas where minors are prohibited may be eligible for service of beverage alcohol, subject to approval by the PEILCC;
- Areas where minors are allowed will only be considered eligible for service of beverage alcohol where, in PEILCC opinion, the area is regularly monitored by the licensee.

Policy Continued:

(iii) The sale and consumption of beverage alcohol may only take place during the hours and days that regular barbering services, hairdressing services or spa services are available at the establishment. Licensees that wish to serve beverage alcohol for events that take place when regular services are not available, such as customer appreciation nights, are required to obtain PEILCC approval.

3. General Operating Requirement

(i) Barbershop, salon and spa licensees shall maintain a supply of non-alcoholic beverages for sale or provision to customers for consumption in the premises.

4. Promotional Packages

(i) Licensees may offer promotional packages including beverage alcohol under the following conditions:

- The package price must meet the minimum pricing policy for beverage alcohol, assuming no cost is allocated to the other goods/services included in the package.
- Licensees may provide both the beverage alcohol and the goods/services included in the package, or may partner with other businesses that would provide some or all of the goods/services; however, packages including beverage alcohol may be sold only by licensees.
- Advertising for all-inclusive packages may not include messages such as “all you can drink” or promote immoderate consumption. *For more information see Pages 1.1, 10.1 and 10.1a of this Manual.*
- The licensee remains responsible for ensuring that beverage alcohol is not sold/served to or consumed by individuals who appear to be intoxicated.

PRICE

Product Pricing

Rationale: ***To curb the sale of alcohol at reduced prices and prevent increased or excess consumption because of low pricing.***

Authority: ***Liquor Control Act Regulations - Sections 13, 22, 33 and 71***

Policy:

Minimum selling price for alcoholic beverages shall be based on **standard servings** and unless authorized by the Commission shall not be sold for less than the specified **minimum selling price plus HST rounded up to the nearest $.05.**

The minimum selling price for all standard servings is $3.05 plus HST = $3.50.

Standard Serving:

Beer 341 ml(12 oz)
Wine 142 ml (5 oz)
Spirits 42.6 ml (1.5 oz)
Coolers 341 ml(12 oz)

Draught Beer 227.2 ml **(**8 oz) glass minimum selling price **$1.25 plus HST**

Bottle of Wine:
Minimum selling price what the licensee paid to the Commission for the product plus HST.

If a licensee offers, sells, serves or provides a beverage containing **liquor in a larger or smaller volume than specified above, the minimum price of that beverage shall increase or decrease in direct proportion to the increase or decrease in volume of the liquor** contained in that beverage. Example: Spirits 28.4 ml (1 oz) $2.03 plus HST = $2.35.

The licensee shall post the standard size and regular price of the beverage and the reduced or increased size and price of the beverage price not to be less than the minimum selling price approved.

continued:

The following are strictly prohibited:

- first drink at regular price, second drink for 10 cents etc.;
- special prices;
- two for one;
- free liquor;
- house pop; (when alcoholic beverage is meant)
- lump sum payment for unlimited drinks;
- any promotion that, in the commission's opinion, promotes the over consumption of alcohol, or which is an attempt to defeat the spirit or intent of this Policy.

The promotion of alcohol by slang terms is permissible provided it does not imply irresponsible service and over consumption.

Although not specifically mentioned, happy hours are allowed at anytime of the day provided the price of the drink is not less than the minimum approved selling price as indicated above.

Contravention of the above pricing policy can result in suspension or cancellation of your liquor license.

The above pricing structure is subject to change by the Commission without notice.

Admission and Drink Entitlement

Rationale: ***Provide greater control in providing alcoholic beverages and prevent over consumption.***

Authority: ***Liquor Control Act Regulations - Section 71***
Liquor Control Act - Section 13, 22 and 33

Policy: The price of admission cannot be tied to the cost of drinks within a licensed premises.

An admission price shall entitle the patron to admission to the premises only.

A licensee may not offer a set lump sum dollar amount which will entitle the patron to have beverage all evening. All drinks must be sold and served at a per unit price.

Rationale: ***A retail discounting program designed to stimulate growth in the Hospitality Industry.***

Authority: ***Liquor Control Act***

Policy:

Category	Discount
Beer (packaged)	$6.00 discount
Beer (draught)	10%
Wine	10%
Spirits	10%
Ready to Drink	10%

- Beer (packaged) pricing applies to 24 bottle cases only.
- Ready to Drink is beverage alcohol premixed with other liquids and packaged for sale.
- Cooler discount depends if in wine or spirit category.
- Licensees in greater Charlottetown and Summerside as well as the Kensington area MUST use the Licensee On-line Ordering Program (LOOP) to obtain the discounts and 24 pack pricing.
    - Licensees in these areas may still make purchases at a local PEILCC corporate retail outlet but will NOT receive discounts or 24 pack pricing.

Policy continued:

- Alberton, Borden, Cardigan, Montague, North Rustico, O'Leary, Souris, Tignish, and Tyne Valley licensees can order through the local corporate retail outlet and will receive applicable discounts and 24 pack pricing.

- Calculation of licensee retail cost:
  - Basic price less discount
  - Plus HST
  - Plus bottle deposit

- The discount program is subject to review by the Commission and may be revised or revoked at any time without notice.

PRICE

Food/Liquor Combos

Rationale: ***To support licensed establishments and to also prevent increased or excess consumption because of low pricing.***

Authority: ***Liquor Control Act Regulations - Section 71***
Liquor Control Act - Section 7(1) and 13

Policy: The price of a meal may include the equivalent of one standard serving of an alcoholic beverage. Licensees offering this food/liquor combo must also have an all inclusive price with non-alcoholic beverage.

The minimum selling price for alcoholic beverages must be covered in an all inclusive meal price.

Advertising of an all inclusive meal price with an alcoholic beverage is permitted in accordance with the terms of Section 50 of the Liquor Control Act. Section 96 of the Liquor Control Act Regulations, and Policy 1.1 of the PEILCC Licensee Policy Manual

The quantity of liquor must be specified in any food/liquor combo advertisement.

PRICE

Registered Guest and Drink Entitlement

Rationale: ***To assist licensed accommodation providers in offering enhanced service to registered guests of the premise.***

Authority: ***Liquor Control Act***
Sections 7.(j.1) and 8.(2) (p)

Policy: A licensee operating a tourism establishment, as defined in the *Tourism Industry Act*, R.S.P.E.I. 1988, Cap. T-3.3, may offer to a registered guest one of two optional drink entitlements as described herein, but not both. Each registered guest of the tourism establishment must choose the option at or before the time of registration. Changes to the option selected shall not be permitted once the guest has registered with the tourism establishment and selected an option.

Advertising with regard to alcoholic beverages offered pursuant to this Policy shall be confined to within the licensed premise and on the official web site of the tourism establishment if such exists. No other advertising shall be permitted.

A licensee offering a registered guest an alcoholic beverage pursuant to this Policy shall offer the registered guest food where required either by the *Liquor Control Act*, R.S.P.E.I. 1988, Cap. L-14 ("Act"), the *Regulations*, by another Policy or by another existing requirement. Even where not expressly required, the Commission recommends that food be made available when offering a registered guest an alcoholic beverage pursuant to this Policy.

Except as expressly indicated in this Policy, all other provisions of the Licensee Policy Manual continue to apply to licensees operating a tourism establishment. This Policy is not intended to affect any provisions in the *Act* or the *Regulations*.

<u>Drink Entitlement Option #1.</u>

A licensee operating a tourism establishment may offer to a registered guest at no cost a maximum of two standard servings of an alcoholic beverage per day for each night the registered guest stays at the tourism establishment. A standard serving of an alcoholic beverage are as follows:

Beer 341 ml (12oz)
Wine 142 ml (5oz)
Spirits 28.4 ml (1 oz)
Coolers 341 ml (12oz)

Policy Continued:

The alcoholic beverage shall be provided by the glass, or in the case of beer or coolers, may be provided in an open bottle or open can. All alcoholic beverages offered pursuant to this Policy must be served within the licensed premise and consumed by the registered guest in the same licensed premise.

A licensee offering an alcoholic beverage pursuant to this Policy must also offer each registered guest a non-alcoholic beverage as an alternative.

Under no circumstances is the licensee to provide free unopened containers of alcohol.

Drink Entitlement Option #2

A licensee operating a tourism establishment may include in the cost of the accommodations one 750 ml unopened bottle of wine or two 355 ml unopened bottles of beer to be provided to the registered guest(s). The minimum selling price of the wine or beer must be included in the cost of the accommodation paid by the registered guest(s) and only one bottle of wine or two bottles of beer shall be included per stay, per room, regardless of the number of registered guests staying in the room and regardless of the number of nights the guest(s) are staying at the tourism establishment.

The unopened 750 ml bottle of wine or two 355 ml bottles of beer shall be delivered by the licensee to the room of the registered guest.

PRICE

Complimentary Drink

Rationale: ***To allow licensed premises to recognize regular patrons or acknowledge poor service with a complimentary alcoholic beverage.***

Authority: ***Liquor Control Act - Sections 7(j.1)(s), and 9(1)***

Policy: Complimentary drinks are only permitted under certain circumstances.

1. Licensees and/or their employees may purchase liquor for a patron at the established listed price for purposes such as recognizing regular patronage, celebrating special events, expressing friendship or acknowledging poor service.

2. (a) A patron may be offered during the daily regular hours of liquor service a maximum of one standard serving:

   - Beer or Cooler - 341 ml/12oz.;
   - Draught Beer - 227.2 ml/8 oz**.;**
   - Wine - 142 ml/5oz.; or
   - Spirits - 28.4 ml/1 oz.

   (b) This limit does not apply to registered guests of a tourist establishment - refer to Registered Guest and Drink Entitlement policy.

3. Liquor may not be purchased for patrons as part of a promotion or at regular intervals, or indiscriminately for patrons at the premises.

4. Any advertising or promotion on a complimentary drink is strictly prohibited.

PRODUCT

Replacement of Defective Product

Rationale: ***To advise of Commission policy regarding replacement of defective products to ensure that products provided to licensees are of a high quality and standard.***

Policy: ***The following constitutes sufficient grounds for determination of product as deficient and returned to the Commission for replacement:***

(a) contaminated products, being those containing foreign matters;

(b) foul tasting products;

(c) chipped or cracked bottles or bottles containing leaking corks, leaking caps or otherwise;

(d) bottles broken in delivery.

Licensees are requested to bring matters of defective products to the attention of Inspectors during their routine visits to the premises.

Licensees are requested to store the defective product until they have accumulated 24 defective bottles. At that time, the case may be reviewed by an Inspector on a routine visit and, if the Inspector is satisfied that the product is defective, the case will be checked, sealed and an invoice authorizing its replacement will be placed on the case or box and the same may be returned to the Commission either at the warehouse or a designated store for replacement.

In the case of wine and spirits, these are to be dealt with on an individual basis by Inspectors who will have discretion as to whether to authorize a return or replacement in each particular case.

Any other matters not covered by the above policy are to be brought to the attention of Inspectors during their routine visits to your premises.

PRODUCT

Bottle Your Own Wine

Rationale: ***To advise of Commission policy regarding Bottle Your Own Wine products at PEILCC liquor stores being taken into licensed premises.***

Authority: ***Liquor Control Act - Section 7(1), 13 and 33***

Policy: In order for a Bottle Your Own product to be taken into a licensed premises it must be purchased at a PEILCC liquor store by the licensee under the premises' liquor license. The licensee is responsible for full payment including all taxes.

Delivery of the product from PEILCC liquor store to the licensed premises must be by the licensee.

PRODUCT

Home Made Wine

Rationale: ***To remind licensees that the only alcoholic beverages permitted in a licensed premises are those which are bought from the Commission.***

Authority: ***Liquor Control Act Regulations - Section 65***

Policy: Under no circumstances is Home Made Wine to be taken into a licensed premises.

SEATING

Stand-up Bars

Rationale: ***To assist licensees in creating a more social atmospheres within their licensed premises and permit better control.***

Authority: ***Liquor Control Act Regulations***
Section 70, Subsection C
Section 23 (f)
Section 82

Policy: The Commission approves stand-up drinking in licensed lounges.

1. The creation of stand-up or milling areas is at the discretion of the holder of a lounge license.

2. The Licensee must provide seating for patrons wishing to utilize seating. The minimum seating area in any licensed premise shall be 50% of the usable area of the premise.

3. The Licensee must provide high tables or bars for patrons to accommodate glasses or bottles and to provide gathering areas.

4. At no time can the number of patrons exceed the capacity approved for the licensed premise.

5. The licensee may not alter the capacity of his premises without first receiving an authorized capacity from the Fire Marshal and approval from the Commission.

Rationale: ***To ensure consistency and proper service within the industry.***

Authority: ***Liquor Control Act Regulations***
Section 73

Policy: Liquor dispensed in licensed premises shall be measured and dispensed in accordance with the following:

1. By means of approved measuring containers of a minimum two (2) ounce (56.8 ml) capacity clearly marked with a line at the one (1) ounce (28.4 ml) level and having lines indicating quantity in 1/4 ounce (7.1 ml) increments thereafter, which shall be clearly visible to the patron.

2. By means of a mechanical dispenser of a type and manufacture approved by the Commission and periodically checked to ensure accuracy.

3. By means of an electronic dispenser of a type and manufacture approved by the Commission and periodically checked to ensure accuracy.

4. At the request of a patron, mix shall be provided and served in a separate glass from the liquor served.

SERVICE OF LIQUOR

Underage Employees
Dining Room Only

Rationale:

Authority: ***Liquor Control Act Regulations***
Section 16 and Section 70 (e)

Policy:

1. Legal age is defined as being anyone who has attained the age of 19 years.

2. Anyone under the legal age will be permitted to work and take liquor orders in a licensed dining room.

3. Liquor orders taken by anyone under the legal age in a dining room can only be delivered and served by staff of the legal age of 19 years.

SERVICE OF LIQUOR

Bar Service - Staff

Rationale: ***To provide clean professional service in all licensed premises.***

Authority: ***Liquor Control Act Regulations***

Section 11 (a)	***Section 50.3 (2)(a)***
Section 21 (b)	***Section 50.4 (1)(a)***
Section 32 (d)	***Section 50.5 (1)(a)***
Section 50.1 (1)(a)	***Section 50.6 (2)(a)***
Commission Policy	***Section 50.7 (3)(a)***

Policy: The provision of prompt, courteous service to the public serves only to enhance business for licensed premises. In view of this, the Commission recommends that operators of all licensed premises ensure the following:

1. All staff are neat in appearance and well groomed before starting work - after all it is the staff that greets the public and it is your business.

2. Bar areas should be kept free of all litter and only items necessary for the preparation and service of liquor should be in evidence.

3. Only the bartender is to be permitted behind the bar. This excludes other staff such as waitresses and doormen from presence behind the bar.

4. Licensees are responsible to ensure that their staff are aware of the contents and provisions of the Liquor Control Act, Regulations and Policies respecting the service of liquor.

5. Licensees are responsible to ensure all staff engaged in the service of liquor or in control of admission to the premises are in possession of a valid training certificate under the PEI Mandatory Server Program.

6. Licensees must ensure that they and their staff serve alcoholic beverages in a responsible manner because you can be held liable for your actions under the Criminal Code and the Liquor Control Act and Regulations.

Infusions and Pre-Mixed Drinks

Rationale: ***To allow licensees to utilize marketing and mixology skills to promote business and meet patron needs.***

Authority: ***Liquor Control Act Regulations***
Sections 74.1 and 74.2

Policy: Licensees are permitted to make infusions using fruit or to pre-mixed drinks (i.e. sangrias, bellinis, pina coladas, margaritas, etc.) under the following terms and conditions:

1. Patron knows what is being served;
2. It is identified on a menu:
3. The pre-mixed concoction is not stored or dispensed from a liquor bottle purchased from the PEI Liquor Control Commission; and
4. It is safe for consumption.

"Snake" infusions (i.e. worms, etc.) are not permitted.

Rationale: ***To clarify the terms relating to permitted sales.***

Authority: ***Liquor Control Act - Section 10 (1)***
Liquor Control Act Regulations - Sections 50.9(2)

Policy: Holders of a Package Sales License are allowed to make sales of unopened alcohol with a take out order meal: (i) after the patron has consumed a meal on the premises; (ii) picked up by the patron; or (iii) by delivery to the residence of the patron, under the following terms and conditions:

1. The meal must consist of at least one food element/course from a menu approved by the Commission.
2. All food must be prepared and served from a kitchen on the premises.
3. A meal is not salsa, french fries, chips, pretzels, etc. and other types of "finger foods".
4. Where the meal is consumed on premises the sale of unopened alcohol:
   (a) cannot occur until the meal is purchased and consumed; and
   (b) must be purchased within 1 hour of finishing the meal and be immediately taken out of the premises.
5. Take out order picked up via a drive through is permissible.
   (a) ID must be presented to confirm legal drinking age of driver and purchaser of the food and alcohol order;
   (b) Licensee shall not make the sale of alcohol if:
      (i) the driver exhibits signs of impairment;
      (ii) the purchaser is not of age;
      (iii) the amount of alcohol ordered is not conducive to the size of the order; or
      (iv) it appears part or all of the alcohol order may be for minors who are in the vehicle.
   (c) Alcohol must be placed by the licensee in the vehicle in area not within reach of the driver and whenever possible, in the trunk.
6. For delivery to the residence of the patron:
   (a) may be by the licensee or a third party;
   (b) licensee remains responsible for regulatory obligations at all times;
   (c) delivery person must have Responsible Beverage Certificate;
   (d) ID must be presented at time of delivery to confirm legal drinking age of recipient;
   (e) liquor shall not be left at the delivery location unless a person 19 years of age or older accepts deliver;
   (f) licensee must not sell or deliver product to anyone in an intoxicated condition;

Policy Continued:

(g) licensee must retain records of all deliveries for one year;
(h) delivery hours cannot exceed approved hours of operation.

7. Growlers are not permitted to be sold under this license.
8. Licensee can set selling price which inclusive of all taxes and deposit must be for:
   (a) Regular listed product at least 5% higher than if the patron purchased at a PEILCC corporate retail store; and
   (b) Special order product at least 5% higher than the licensee purchase price from the PEILCC.
9. Subject to Commission approval, the designated area for display and sales of alcohol may be in a location owned by the licensee that is immediately adjacent to where the meal was purchased and consumed.

SERVICE OF LIQUOR

Serving To Point Of Intoxication

Rationale: ***To provide responsible service in all licensed premises.***

Authority: ***Liquor Control Act - Sections 7. (l) and 8. (2 (q) & (s)***
Licensee Policy Manual - Page No.13.3, Term 6

Policy: Licensees are responsible to ensure that patrons are not served to the point of intoxication.

Lack of knowledge of a patron's level of intoxication is not a defense. A licensee must operate its premises in a manner that allows it to monitor its patrons' consumption and behaviour so that the licensee knows when to suspend service and/or make arrangements to get an at-risk patron home safely.

RESPONSIBLE BEVERAGE SERVICE

Mandatory Training

Rationale: ***Mandatory Training in the area of Responsible Service of Alcohol is designed to inform providers of alcohol of their responsibilities and liabilities under the Law.***

Authority: ***Liquor Control Act - Section 11.1***

Policy:

- Server Training is not a voluntary program. All staff, including but not limited to owners, managers, bartenders, servers, and doormen, are required to take and successfully complete this program prior to commencement of employment.

- **Mandatory Training came into effect February 1, 1994 and is renewable every (5) five years on the anniversary date of the original certificate.**

- The Responsible Beverage Service Program "It's Our Business" is delivered by Holland College under the authority of the P.E.I. Liquor Control Commission.

- Licensees will be responsible to ensure that all staff have taken the Program by having staff produce a Certificate of Training at the time of employment.

- If an applicant for a liquor license or the licensee is a corporation the requirement may be satisfied if the program is completed by a director, officer or employee of the corporation who will have responsibility for controlling the liquor:

    - if the corporation hires a resident manager to run the daily operations of the establishment the requirement can be met by having that person complete the program;

    - if the corporation enters a third party operator arrangement, that operator is not an employee and so a director, officer or employee of the corporation must complete the program.

- If the applicant or licensee is a partnership, at least one partner must complete the program.

- If the applicant or licensee is a sole proprietor that person must complete the program.

- Licensees shall keep on the premises either the original or photo-copy of the Certificate of Training for every staff member including themselves.

- A person who does not have this mandatory training shall not be employed by the premises. Licensees and offending persons will be held accountable and subject to disciplinary action by the Commission for any violation of this mandatory requirement.

Policy Continued:

- Holland College offers the program in a classroom setting at locations in Charlottetown and Summerside as well as on location in licensed premises and via web site self-directed version.

- Register for a classroom course at: http://www.hollandcollege.com/continuing-education/course-list/?id=THS

- Register and take the course online at: https://www.trainingtodo.com/secure/hollandcollege/register.asp

- The fee for the Program is $40.00.

- **Direct any inquiries on training to Holland College at 1-877-475-2844 or 894-6851.**

RESPONSIBLE BEVERAGE SERVICE

Labour Mobility Recognition

Rationale: ***To support the Canadian Agreement on Internal Trade and remove where possible existing requirements that impair labour mobility so that it is easier for staff to be employed in Prince Edward Island.***

Authority: Liquor Control Act - Section 11.1

Policy:

- Servers in all types of establishments relocating to Prince Edward Island from other Canadian jurisdictions who have a certificate showing proof of completion of one of the following responsible beverage service programs are initially exempt from the PEILCC serving training requirement:
  * It's Good Business - Nova Scotia
  * It's Good Business: Responsible Service of Alcohol - New Brunswick
  * It's Good Business - Newfoundland and Labrador
  * Service in Action - Quebec
  * Smart Serve - Ontario
  * Serving It Safe - Manitoba
  * Serve it Right - Saskatchewan
  * Proserve Program - Alberta
  * Serving It Right - British Columbia
  * Be a Responsible Server - Yukon

- Re-training by taking PEI's It's Our Business program will be required:
  * when the out-of-province certificate expires.
  * if there is no expiry date then re-training will be based on the date the out-of-province certificate was issued and PEI's 5 year renewal requirement. e.g. if issued 5 years ago must complete prior to commencing employment in a licensed premises; if issued 2 years ago then re-training required in 3 years time by the month and day stated on the certificate; etc.
- Licensees are responsible for ensuring that servers who have completed training in other jurisdictions are well informed about applicable PEI legislation, Commission Policies and any relevant operating terms and conditions that apply to their premises.

- This policy does not apply to owners and managers.

Incident Log

Rationale: ***To detail the actions taken to prevent or handle liquor-related problems and/or any other suspected illegal activity, and to serve as supporting documentation that may be needed for legal evidence and/or in support of personal actions.***

Authority: ***Liquor Control Act, Section 7. (l)***

Policy:

- All licensed establishments must have an Incident Log.
- As soon as an incident has been taken care of, the details are to be recorded in an incident log and all sales records associated with the incident are to be attached.
- Keep incident log records for at least 7 years.
  (In most instances a person's right to sue for an incident in an establishment ends after two years. However, there are various circumstances in which a legal proceeding may be commenced against an establishment several years after the incident).

It is recommended that an incident log should be a bound book, not a loose-leaf binder, because in court a bound book will have more credibility than a binder that could be easily altered. An accurate and complete log together with sales slips may form the backbone of a defence in civil litigation and in enforcement matters with the Commission.

Capacity and Fire Safety

Rationale:

Authority:

Policy:

1. (a) The Provincial Fire Marshal shall set the capacity for all licensed premises. Based on usable area capacity cards must be posted so as to be seen by patrons.

   (b) Usable Area: Usable area shall be defined as the total area of the premise less the following:

   - Bar areas
   - Stages
   - Entrance ways
   - Areas allotted for games
   - Washrooms
   - Any other areas required by codes administered by the Fire Marshal's office.

   An area equivalent to 15% of the usable area shall be dedicated as dance floor for premises providing this service.

   Once assigned, this area must be clearly defined and cannot be changed without approval from the Commission and the Fire Marshal's office.

   A minimum of 50% of the usable area shall be dedicated for seating.

   The balance of the usable area will have a capacity assigned suitable for the intended purpose. The Fire Marshal's office shall have the flexibility to determine this capacity based on the codes he administers and the facilities provided.

   In all cases, the combined capacity will be at the discretion of the Fire Marshal's Office based on the codes he administers and safety factors.

Policy Continued:

2. If there is a variance between the capacity set by the Fire Marshal and that allowed by the Department of Health, based on the washroom facilities available, then the lesser of the two will be the allowable capacity of the premises.

3. It is the responsibility of the licensee to ensure that the capacity is not exceeded.

4. The Licensee, during all hours of operation, shall ensure that fire exits are:

   (a) lighted;
   (b) are not locked or fastened;
   (c) free of any obstruction, i.e., garbage, snow or barriers;
   (d) in good repair, i.e., doors, stairs, railing, etc.

Police Charge Laid In Or About Premises

Rationale: ***To ensure the maintenance of order and the safety of patrons entering and exiting licensed premises.***

Authority: ***Commission Policy***

Policy: A licensee must notify the Commission of any police charge laid in relation to an incident in or about their licensed premises or in relation to an activity occurring in or about their licensed premises no later than 10 days after the date the charge is laid, and must provide details of the incident or activity that is the subject of the charge.

Disorderly Conduct

Rationale: ***To clarify the Regulations and provide an interpretation of Commission Policy for licensed premises.***

Authority: ***Liquor Control Act - Sections 7. (l) and 8. (2 (q) & (s)***
Liquor Control Act Regulations - Section 70.(b)

Policy: The Commission is of the view that disorderly conduct comes under the general operating manner of the premises and may also be construed as a lack of control of the premises by the licensee.

Factors such as insufficient number of appropriate staff, absence of door security and boisterous patron behaviour would be determinants for which the licensee will be held accountable.

INSPECTIONS

Licensee Obligations

Rationale: ***To ensure licensees are aware of their obligations when a liquor inspector is conducting an inspection of the premises.***

Authority: ***Liquor Control Act***
Section 8.1(2)

Policy:

1. A licensee must give PEILCC liquor inspectors full and unrestricted access to the licensed premises at any reasonable time (i.e., during regular business hours or at another time when people are present).

2. A licensee and their staff must not interfere in any way with PEILCC liquor inspectors performing their duties. The licensee and staff are required to cooperate fully, including answering all reasonable questions regarding the management and operation of the premises.

3. A licensee must allow the PEILCC liquor inspectors and officials to examine and make copies of all liquor records and if necessary, to remove records from the licensed premises for further review.

4. When a PEILCC liquor inspector finds a licensee in contravention of the Liquor Control Act, Liquor Control Act Regulations or PEILCC Policy, the liquor inspector may request the licensee take appropriate steps to comply with the legislation or policy.

5. Any alleged violation observed by a PEILCC liquor inspector, or a report of actual or potential problems received from police, fire, health, other government official or the general public, will be investigated and may result in disciplinary action being taken by the PEILCC Board of Commissioners.

Liquor Inspector Role

Rationale: ***To ensure licensees are aware of the requirements of liquor inspectors when an inspection of the premises is conducted.***

Authority: ***Liquor Control Act***
Section 8.1(1)

Policy:

1. PEILCC liquor inspectors visit licensed premises to:

   (a) check for compliance with the Liquor Control Act (LCA), Liquor Control Act Regulations (LCAR) and PEILCC Policies;

   (b) confirm no structural changes have been made to the premises affecting compliance with the license;

   (c) investigate complaints;

   (d) advise licensees who want to apply for a new class of license or license extension;

   (e) respond to licensee concerns about the operation of the premises;

   (f) conduct audits on licensee books and records; and

   (g) provide advice on training.

2. Inspections provide licensees with an opportunity to discuss with PEILC liquor inspectors:

   (a) proposed structural changes;

   (b) sale of the premises;

   (c) change in management; and/or

   (d) any questions about the LCA, LCAR and PEILCC Policies.

continued:

3. All liquor inspectors carry photo identification and a badge while on duty. A licensee may ask to see a liquor inspector's identification and/or badge before providing any information.

4. After conducting an inspection the PEILCC liquor inspector will complete a Compliance Report, have the licensee sign it and leave the original copy with the licensed premises.

5. In some circumstances a Compliance Report will be completed by the PEILCC liquor inspector but not have it signed by the licensee. This would include the premises being exceptionally busy, more than one visit to the premises during the same inspection shift, or an after hours check of a premises.

6. PEILCC liquor inspectors are available to meet with licensees to assist in the interpretation of legislation and policies, however, any violations they observe may be reported to the Director of Corporate Services and then on to the PEILC Board of Commissioners.

7. The PEILCC supports police "walk through" programs. Every police officer is considered a liquor inspector under legislation and licensees and staff are required to cooperate fully with police officers who enter the premises.

8. Any alleged violation observed by a PEILCC liquor inspector, or a report of actual or potential problems received from police, fire, health, other government official or the general public, will be investigated and may result in disciplinary action being taken by the PEILCC Board of Commissioners.