



Liquor Laws and You

An Operating Guide for Licensed Premises

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Introduction

The purpose of this information is to help you understand your responsibilities and what you are permitted to do when selling and serving liquor and operating your licensed premises. This information does not replace the [Gaming and Liquor Act](#), the [Gaming and Liquor Regulation](#), or Alberta Gaming and Liquor Commission (AGLC) [policies](#) provided to licensees. It is your responsibility to be familiar with the legislation and policies.

Since the information is for general reference only, the *Gaming and Liquor Act* and Gaming and Liquor Regulation should be referred to for all purposes of interpreting and applying the law. The applicable sections of the Act or Regulation are given at the end of each section. Policies of the AGLC are in the policy handbooks including the Licensee Handbook, Retail Liquor Store Handbook, and the General Merchandise Liquor Store Handbook and should be referred to for more information on specific matters. Policy handbooks are located on the [Handbooks and Guidelines](#) page of the [AGLC website](#).

Copies of the [Gaming and Liquor Act](#), the [Gaming and Liquor Regulation](#) and AGLC policies may be accessed on the AGLC website.

If you wish to arrange an information seminar, contact the **AGLC Regulatory Division** office nearest you.

Office	Telephone	Fax
St. Albert	780-447-8600 or 1-800-272-8876	780-447-8911
Calgary	403-292-7300 or 1-800-372-9518	403-292-7302
Red Deer	403-314-2656	403-314-2660
Lethbridge	403-331-6500	403-331-6506
Grande Prairie	780-832-3000	780-832-3006

Important Responsibilities of Owners, Managers and Employees of Licensed Premises

Alberta liquor laws require that as a liquor licensee, manager or an employee of a licensed establishment, it is your duty to comply with these laws and to offer responsible service to your patrons. The responsibilities are clearly outlined in the [Gaming and Liquor Act](#), the [Gaming and Liquor Regulation](#), and policies established under the legislation.

The following points highlight some of the contraventions of the legislation you should be aware of. Becoming familiar with this information will help ensure you are providing responsible service to your patrons.

Minors

- Ensure that only adults (persons 18 years of age or over) are permitted to enter licensed premises where minors are prohibited.
- Ensure that persons who appear to be under 25 years of age are not permitted to enter or remain in a licensed premises where minors are prohibited without first checking for acceptable ID to prove that they are 18 years of age or over.
- Ensure that persons purchasing liquor or attempting to obtain liquor service are 18 years of age or over. Check ID for all persons appearing under 25 years of age.
- Accept ID as proof of age only if the picture appears genuine, the ID does not appear to have been tampered with, and the lettering does not appear to have been altered.
- Ensure that adult patrons do not give liquor to minors.

Intoxication

- Sell liquor only to persons who are not intoxicated.
- Serve liquor only to persons who are not intoxicated. Do not allow intoxicated persons to consume liquor.
- Prevent intoxicated persons from taking part in a gaming activity or a provincial lottery.
- Violent, quarrelsome or disorderly patrons should be prohibited from entering into or remaining in licensed premises.

Drugs and Illegal Activities

- You must not permit illegal activities, by patrons or staff to take place in your licensed premises. This includes activities such as: having, buying or selling illegal drugs; carrying a weapon such as a gun; prostitution or pimping; and gang activity.
- Illegal activity must be reported to the police.

Illegal Liquor

- Homemade liquor of any sort (wine, beer, cider or spirits) cannot be sold or consumed within a licensed premises.
- Only liquor that has been commercially manufactured, and purchased from an approved retailer or the AGLC, can be sold and consumed in a licensed premises.
- If you have a Bring Your Own Wine (BYOW) endorsement on your liquor licence, only commercially manufactured, sealed bottle(s) of wine can be brought into the licensed premises. The patron must hand over the wine to licensee staff immediately upon entering the premises.

Hours

- You may sell, provide or serve liquor for consumption before 2:00 a.m.
- All liquor must be consumed before 3:00 a.m. This applies to your patrons and friends in your premises.
- In a minors prohibited premises, all patrons, friends or spouses of staff must leave at or by 3:00 a.m
- At or before 3:00 a.m. all liquor must have been removed from patron areas.

Service of Liquor

- Multiple drink promotions (e.g., “2 for 1” or “all you can drink for a fixed cost”), and “free liquor specials” are not allowed.
- Liquor must be served to patrons in an opened liquor container, unless sold under a Class D off sales or retail liquor store licence.
- Patrons must not remove liquor from licensed premises, unless it was sold under an off sales or retail liquor store licence, or it was a partially consumed bottle(s) of wine that has been sealed by licensee staff and placed in a bag.
- Liquor must be sold at or above the AGLC approved minimum prices.
- Licensees and their staff must not sell or allow a person to have more than two (2) standard size drinks at one time after 1:00 a.m.
- No liquor for mixed drinks or shooters can be adulterated in any way such as adding other brands of liquor, flavouring agents, mix or ice until requested by a patron.
- Liquors may not be pre-mixed by the licensee or their staff, with another liquor or liquid, unless otherwise approved by the AGLC.
- Liquor must be stored in its original bottle. It cannot be poured or mixed into a bottle with a different brand name.
- Licensee staff cannot consume liquor while working or be under the influence of drugs or alcohol.

Occupancy Load

- Ensure the occupancy load (number or persons including staff) for the premises is not exceeded.

Entertainment

- Only entertainment that is permitted by AGLC policy may occur in liquor licensed premises. (Licensee Handbook Section 5.10)
- Nude entertainers are not permitted to make physical contact with patrons or other entertainers.
- Nude entertainers are not permitted to enter patron areas while nude.

Inspectors and Police

- AGLC Inspectors and Police Officers are to be allowed immediate entry to the licensed premises at all times.
- All staff in licensed premises are required to cooperate fully with AGLC Inspectors and Police at all times.

These points are for general reference only and do not include all the requirements of provincial and federal legislation. All pertinent legislation should be consulted for purposes of interpreting and applying the law. Consult the policy handbooks for detailed instructions.

ProServe Liquor Staff Training Program

ProServe Liquor Staff Training (ProServe) is a social responsibility course designed to reduce underage drinking, over-consumption of liquor, impaired driving, and liquor related harms and violence. Anyone involved in alcohol sales and service in Alberta is required to complete this mandatory training program. ProServe certification is valid for a period of five (5) years from the date of successfully completing the program. If after five years, you are still in the liquor industry and working or volunteering in a position that requires valid ProServe training, you must earn a new certificate before the expiry date on your ProServe card. To do this, you must take the ProServe course again and pass the exam.

Equivalency may be granted for programs offered in other provinces if the program was taken within the last five years. The person must contact the AGLC's SMART Training Office to have this training recognized (see below). Detailed information on ProServe may be obtained by contacting the AGLC at:

ProServe Liquor Staff Training
Alberta Gaming and Liquor Commission
50 Corriveau Avenue
St. Albert, AB T8N 3T5

Toll Free: 1-877-436-6336 Fax: 780-651-7626
Website: proserve.aglc.ca
Email: info@proserve.aglc.ca

ProTect Security Staff Training

ProTect Security Staff Training (ProTect) is a social responsibility course designed to: improve observation and communication skills regarding patron and premises management; prevent, defuse, and manage customer disturbances; increase the safety and security of staff and patrons in licensed premises; and reduce the risk of liability. Individuals employed and designated in the following positions in a Class A Minors Prohibited premises are required to successfully complete the ProTect training program:

- a) Manager/Supervisor of Security;
- b) Security Staff; and
- c) Owner, manager and/or employee of a company contracted to provide security in the Class A Minors Prohibited premises.

Equivalency will not be granted for programs offered in other provinces. ProTect certification is valid for a period of five (5) years. You must maintain valid certification by completing the course and exam before your certification expires if you continue working or volunteering in a position that requires ProTect certification. Detailed information on ProTect may be obtained by contacting the AGLC at:

ProTect Liquor Staff Training
Alberta Gaming and Liquor Commission
50 Corriveau Avenue
St. Albert, AB T8N 3T5

Toll Free: 1-877-436-6336 Fax: 780-651-7626
Website: protect.aglc.ca
Email: info@protect.aglc.ca

Minors

A minor is a person under 18 years of age. It is unlawful for a licensee, an employee of a licensee, or any other person to serve liquor to a minor in licensed premises. It is also unlawful for a minor to obtain, receive or possess liquor in licensed premises.

The AGLC or Police may impose serious penalties or charges against licensees and/or staff serving liquor to minors.

Here are some ways that you can protect yourself, co-workers, and the business from disciplinary action:

1. If a person appears to be under 25 years of age and tries to enter licensed premises where minors are prohibited, or asks for liquor service in any licensed premises, you must demand proof of age.
2. Do not employ a minor to sell or serve liquor in any licensed premises.
3. Ensure that liquor is not sold to an adult who may give it to someone under 18 years of age.
4. Minors are not permitted to enter or be in a premises that has an endorsement prohibiting minors, except under the following conditions:
 - a) A minor who is the son, daughter or spouse of the licensee or the manager of licensed premises may enter and remain in those premises during the hours and on the days when the sale or consumption of liquor in those premises is prohibited.
 - b) A minor who is hired by a 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 and remain in the licensed premises for the time required to complete the repairs or service.
 - c) A minor who enters a Class D licensed retail liquor store, manufacturers off sales outlet or hotel off sales room must be accompanied by a parent, guardian or spouse who is an adult and who is in the licensed premises to purchase liquor for off-premises consumption.
 - d) A Class A Minors Prohibited licensee may apply to the AGLC in writing for permission to allow minors onto the licensed premises during a family-oriented occasion (e.g., Christmas Day, Easter Sunday, Mother's Day, Father's Day, etc.). The request will be considered only if the premises will be operated for family dining.
 - e) A Class A Minors Prohibited licensee may request a licence endorsement or permission for a single occasion to allow minors onto the premises for food service between the hours of 6 a.m. and 10 a.m. If approved, it is the responsibility of the licensee to ensure no minors remain on the premises after 10 a.m.

Proof of Age

It is your responsibility to detect minors. If a person of questionable age (anyone who appears to be under 25 years of age) attempts to enter a licensed premises where minors are prohibited, or attempts to purchase or consume liquor, you must obtain valid identification and verify proof of age. If you are not satisfied with the identification they provide, you have the right to refuse entry and liquor service. Beware of false or fake identification.

Valid primary identification must:

- have a photo;
- have a name;
- have a signature;
- be government issued;
- include date of birth;
- not be expired;
- have a unique identifier number; and
- be an original (not a copy).

If the primary identification does not appear to be real and original, a secondary piece of identification must be requested.

Valid secondary identification must:

- have a name;
- be government issued;
- have a unique identifier number; and
- include date of birth.

Common Questions

- 1. *Is it satisfactory to accept only one piece of ID?***

Yes. If you are satisfied that the primary ID presented is valid and belongs to the individual presenting it, one piece of ID is acceptable. However, if you have any concerns that the ID is fake or has been altered you should request another piece of ID for comparison. If the ID is fake, or if you do not have proof that the person is 18 years of age or older, you must refuse liquor service. If the premises is minors prohibited, the individual should be refused entry or/and asked to leave.
- 2. *Can a parent provide liquor to a minor in licensed premises?***

No. No one can provide liquor to a minor in licensed premises; licensees are responsible to ensure this does not occur.
- 3. *If minors are not allowed in my licensed premises, do I have to put up a sign indicating this?***

Yes. The AGLC Board requires that you post a “No Minors” sign at all entrances to licensed premises when minors are not permitted.
- 4. *Minors are allowed in my liquor store if they are accompanied by a parent/guardian. Must I post a sign advising this?***

Yes. All retail liquor stores and hotels with off sale rooms must post a sign accordingly.
- 5. *Can I be charged for selling or serving liquor to a minor?***

Yes. This is an offence under the *Gaming and Liquor Act*. The server and licensee may each be charged. In addition to being charged by the Police, the licensee may also be subject to disciplinary action by the AGLC Board, such as a suspension of licence or a fine.

6. ***Is it an offence for a minor to attempt to purchase liquor?***
Yes. The *Gaming and Liquor Act* states that it is unlawful for a minor to attempt to purchase liquor.
7. ***May I seize false ID or detain a minor?***
No. Any identification that an individual chooses to leave in your possession must be kept in a secure area until it can be given to the police authority in your area.
8. ***If I have asked a person who appears to be under 25 for identification on previous visits to my licensed premises, do I have to ask again on subsequent visits?***
Persons of questionable age must provide identification upon each occasion of entry to minors prohibited premises.

References: *Gaming and Liquor Act*, Sec. 74(1) to (5)
Gaming and Liquor Act, Sec. 75
Gaming and Liquor Act, Sec. 87(1) & (2)
Gaming and Liquor Regulation, Sec. 94(2) (a) to (d)

Intoxication

The sale or service of liquor to intoxicated people is prohibited by law. It is also illegal to allow an intoxicated person to consume liquor or take part in a gaming activity or provincial lottery in a licensed premises. You are responsible to ensure patrons are not served to the point of intoxication.

Signs of severe intoxication include staggering, falling down, slurring of speech, bloodshot eyes, and loss of coordination.

Loss of inhibitions and changes to behavior, reactions, and co-ordination over time are indicators that an individual may be becoming intoxicated.

Common Questions

1. ***Can liquor sale or service be refused to an intoxicated patron?***
Yes. The [Gaming and Liquor Act](#), Section 75.1, states that no licensee or employee may sell or provide liquor to a person apparently intoxicated by liquor or a drug.
2. ***Who is responsible for deciding when someone is intoxicated?***
The employee providing liquor service. The manager and the licensee are also responsible to ensure that no employee serves liquor to an intoxicated person or allows an intoxicated person to consume liquor.
3. ***If I cut off liquor service to a patron, do I have to remove the liquor they have not yet consumed?***
Yes. Intoxicated persons are not allowed to continue to consume liquor.

Reference: *Gaming and Liquor Act*, Sec. 75.1

Drug Activities

The AGLC is extremely concerned about any unlawful activity that may take place in licensed premises, including drug activity. Matters such as drug activities are not tolerated by the AGLC Board. It is expected corrective action will be taken immediately if such activity is noted, and that all staff will cooperate with Police agencies investigating such activities.

Common Questions

1. *What should I look for to determine if patrons are selling or buying drugs?*

Watch for the person that constantly meets with different people, going with them to the washroom or outside. Watch for someone who frequently receives or makes telephone calls.

Check the washrooms and the outside of your premises for people dealing in drugs, or using them. Marijuana and hashish smoke is very distinct; it will linger in the air and can be smelled on users' clothes.

Drugs are commonly sold by concealing them in cigarette packages, or by passing them under a table.

2. *Are there favorite places where dealers hide their drugs?*

Yes. Check washroom ceiling tiles, light fixtures and under sinks. Drugs can be stored in torn chairs or taped under tables. Dealers will also pass drugs back and forth in cigarette packages and cell phone cases. Outside dealers may, for example, use garbage cans, telephone poles, or their vehicles.

3. *What do I do if I suspect drugs are being sold in my premises?*

Contact your local Police agency immediately. Be prepared to give them descriptions of the possible dealers, when they frequent the premises, or any other information to help Police in their investigation.

Refuse entry to all suspected drug dealers and users and bar them from your premises.

4. *If patrons go outside to smoke marijuana, what should I do?*

Refuse them entry into your premises and bar them from your premises.

5. *As a licensee, what can I do to help detect and minimize drug use and sale in my premises?*

The following is some information detailing the steps you could consider implementing to deal with possible drug infractions.

Controlling Drug Activities in Licensed Premises

The Owner/Manager

- Realize licensed premises are a prime location for drug activities to take place and the potential is always present.
- Watch for any suspicious actions by staff or patrons on a daily basis. Be aware of the type of clientele being catered to and the character of your staff.
- Offers of employment should be subject to a security clearance check. An applicant with a criminal record should only be hired if management is confident the prospective employee will not adversely affect operating standards.
- Establish strict conditions of employment (zero tolerance) for being involved in or failing to control or report drug activities to management and/or Police.
- Establish a training program to educate staff in being “drug wise”.
- Provide adequate lighting in the licensed room, washrooms, hallways, entrances and exits and also outside the building in parking lots and back lanes.
- Support Police “walk through programs”.
- Post signs that drug users and traffickers will be barred and ensure they are barred.
- Maintain a logbook to record occurrences and action taken, including names, date, time, offence and Police action.
- Consider video surveillance equipment to monitor key areas if a drug problem is identified.

The Staff

- Must be knowledgeable regarding the potential for drug activity and constantly on the lookout for problems.
- Should have an awareness of different drugs/drug paraphernalia, how they are used and their symptoms on users.
- Should monitor washrooms and pool table areas for drug trafficking/user activity on a regular basis.
- Should be aware of patrons that are approached by a number of different people, have large quantities of cash or are seen receiving cash from different patrons.
- Should be aware of patrons that are either phoned or use the phone on a regular basis.
- Must report all drug activities to management or Police.

Illegal Drugs

- Marijuana and hashish are normally inhaled by smoking what is known as a “joint” (resembling a hand-rolled cigarette) or in a small pipe. The smoke has a very distinct smell and will linger in the air and permeate the user’s clothing. The “joint” is usually smoked by a number of people taking turns until finished. Slang terms include pot, grass, weed, reefer, smoke and hash.
- Powder form substances such as cocaine and heroin may be placed on a hard surface and divided into thin lines with a sharp object (razor blade or credit card) and with a straw or rolled up piece of paper, the drug is sniffed into the nose. These drugs may also be liquefied and injected directly into the vein of the user by syringe.
- Illegal drugs can also be found in tablet and capsule form, and are taken orally; barbiturates, amphetamines (“speed”; “uppers”), methamphetamines, LSD (“acid”; “hits”), mescaline and MDA (e.g. ecstasy).

- GHB or Gamma Hydroxybutyrate is a central nervous system (CNS) depressant that is commonly referred to as a “club drug” or “date rape” drug. GHB is often used at bars, parties, clubs and “raves” (all night dance parties), and is often placed in alcoholic beverages. GHB is available as an odorless, colorless drug that may be combined with alcohol and given to unsuspecting victims prior to sexual assaults. It may have a soapy or salty taste. Negative effects may include sweating, loss of consciousness (reported by 69 percent of users), nausea, hallucinations, amnesia, and coma, among other adverse effects.

The Drug Trafficker (Dealer)

- Frequently meets with different people scouting and moving about the premises and making several trips with these people to the washroom or outside.
- Makes and receives numerous telephone calls.
- Carries large amounts of money.
- May use secluded areas of premises for making contacts with users.
- Uses hiding places in washrooms where drugs may be hidden behind ceiling tiles, light fixtures, fans, switch covers or under the sink.
- May create hiding places in service areas by cutting slots into the padding of chairs or by taping drugs under tables or chairs.
- May hide drugs outside the building under garbage dumpsters, buried in loose earth or in and around vehicles.
- May conceal small quantities of heroin, cocaine or other drugs in their mouth so that it can be swallowed if the person is approached by the Police. The drugs will be contained in condoms or balloons.
- May conceal drug sale activity by passing drugs to buyers in a cigarette package or cell phone case to avoid suspicion.
- Usually drinks little or no alcohol, but spends a lot of time in the premises.

The Drug User

- May possess unusual, special drug paraphernalia such as a miniature spoon, small smoking pipe, special rolling papers or syringes.
- May roll up marijuana or hashish (joints) in the licensed premises.
- Will typically use drugs where there is less likelihood of detection, usually in washrooms or outside in an alleyway or in parked vehicles.
- May have observable physical symptoms such as dilated pupils, drowsiness, rapid breathing, sweating, paleness, twitching, staggering and/or slurred speech.
- May exhibit erratic behavior or significant changes in mood.

Reference: *Gaming and Liquor Act, Sec. 69(1)*
Gaming and Liquor Act, Sec. 75.1

Illegal Liquor

Licensees may only have on their premises liquor products purchased directly from:

- The AGLC.
- Manufacturers authorized by the AGLC to warehouse and distribute its products.
- Class D licensees authorized to sell to licensees.

Common Questions

1. *Can I bring my own wine into licensed premises?*

Yes. If the licensee has a BYOW endorsement, a patron may bring a manufactured sealed bottle(s) of wine into a Class A, B and C (Club) licensed premises to be served by licensee staff. Homemade wine cannot be taken into a licensed premises with a BYOW endorsement.

2. *Can I serve homemade wine in licensed premises or at special event licence functions?*

No. Licensees can only possess, sell or provide liquor that has been purchased from authorized sources. No other liquor is permitted on licensed premises. Also, if you have a banquet room and rent it for special event licence functions, you must ensure that homemade wine or any illegal products are not permitted in the premises.

3. *What happens if AGLC Inspectors or the Police find illegal liquor on the premises?*

All products and containers of illegal liquor will be seized. Licensees may be subject to criminal prosecution and penalties may be imposed by the AGLC Board.

4. *What should I do if someone offers to sell me some illegal (American, etc.) liquor?*

Try and obtain as much information as possible about the seller, such as description, vehicle, licence number, etc. Contact your local AGLC office and call the local Police immediately.

5. *What should I do if I am aware of other licensed premises, such as those of my competitors, selling or serving illegal liquor on their premises?*

Immediately contact the AGLC Toll-Free Hotline to Report Illegal Liquor. The number is 1-800-577-2522. In Edmonton area call 780-460-4381. During regular work hours, Monday to Friday 8:15 a.m. to 4:00 p.m., phone the AGLC Office nearest you.

Reference: *Gaming and Liquor Act, Sec. 50*
Gaming and Liquor Act, Sec. 68(1)
Gaming and Liquor Act, Sec. 72(1)

Maximum Hours of Sale and Consumption of Liquor

The maximum hours during which liquor can be served are from 10:00 a.m. to 2:00 a.m. Liquor can be consumed until 3:00 a.m. Consumption of liquor is permitted for a maximum of one hour after the time when liquor sales must cease. For your convenience, the maximum hours that liquor service and consumption are permitted are listed on your liquor licence certificate, which must be posted. It is illegal for you to sell, provide liquor, or allow consumption of liquor outside these authorized hours.

All patrons must leave a Class A Minors Prohibited premises at the end of the consumption period. In **all** licensed premises, all liquor must be cleared from tables when the consumption of liquor is not permitted.

Common Questions

- 1. *Should I allow my patrons a one-hour consumption period if I close early?***
Yes. It is suggested you allow patrons one hour to consume their liquor from the close of liquor service.
- 2. *Can I pre-pour drinks prior to 2:00 a.m. for service to my friends arriving after 2:00 a.m.?***
No. You cannot pre-pour drinks prior to 2:00 a.m. for supply to anyone after 2:00 a.m. for consumption in the premises.
- 3. *What if my lounge is busy and we can't get all the liquor orders filled by 2:00 a.m.? Can we deliver the drinks if they were ordered and paid for prior to 2:00 a.m.?***
No. All sales and service must be completed prior to 2:00 a.m.
- 4. *Can my staff have a liquor beverage after closing?***
Yes. Staff may not consume liquor while on duty, however, it is acceptable for staff to consume an alcoholic beverage after their shift ends, provided the beverage is paid for during normal hours of liquor service, as specified on the licence.
- 5. *Must I post my hours of operation?***
No. However, we recommend the hours be posted for the information of your customers.
- 6. *If I have VLTs in my premises may I close the premises early and allow my staff to play the VLTs?***
No. VLTs can never be available to staff only.

Reference: *Gaming and Liquor Act*, Sec. 68(1)
Gaming and Liquor Act, Sec. 70
Gaming and Liquor Act, Sec. 71
Gaming and Liquor Regulation, Sec. 92
Gaming and Liquor Regulation, Schedule 3

Maximum Occupant Load

A Maximum Occupant Load Certificate for your licensed premises will be issued by an officer of your local fire department or municipal building department. This certificate will be based on the Alberta Fire Code. The maximum number of people shown on the Maximum Occupant Load Certificate must never be exceeded.

Common Questions

1. Does the Maximum Occupant Load Certificate include all staff as well as patrons?

Yes. Everyone in the premises including staff and patrons are counted as occupants.

Example:	Your Maximum Occupant Load Certificate reads:	200
	Subtract the number of your on-duty staff:	15
	Patrons you are allowed:	185

2. Does the Maximum Occupant Load Certificate have to be posted?

Yes. The Maximum Occupant Load Certificate must be prominently posted in the licensed premises.

3. What legal problems might arise if the maximum shown on the Maximum Occupant Load Certificate is exceeded?

The AGLC may take disciplinary action as no licensee may permit any activity that may be injurious to the health or safety of people in the premises, and the Fire Department could charge you under the [Safety Codes Act](#).

Reference: *Gaming and Liquor Act*, Sec. 69(1)
Gaming and Liquor Act, Sec. 91(1)

Patron Conduct

The licensee is responsible to ensure that patrons remain safe and free from unwanted disturbances. It is unlawful for a licensee or an employee to permit any activity in licensed premises that is contrary to any municipal bylaw or any Act or regulation of Alberta or Canada, detrimental to the orderly operation of the premises, or may be injurious to the health or safety of people in the premises.

Common Questions

1. Can a person who causes a disturbance be charged?

Yes. The [Gaming and Liquor Act](#), Section 69(1), states no person shall do anything in a licensed premises that is detrimental to the orderly operation of the premises.

2. Do we have the right to request a person to leave the premises?

Yes. If you have a valid reason, the [Gaming and Liquor Act](#), Section 70(a), gives the licensee and employees the right to request the person to leave the premises. If the person refuses, you can call the Police and charge that individual for refusing to leave.

3. If I have banned a person from entering my licensed premises, and they keep coming back into the premises, can they be charged?

Yes. The [Gaming and Liquor Act](#), Section 70(b), gives you the right to ban a person from entering the premises. If this person re-enters the premises, you can call the Police and have this individual charged.

4. Can we take liquor away from a patron who is trying to walk out of the premises?

Yes. The [Gaming and Liquor Act](#), Section 68(2), states that no licensee may sell or provide from the licensed premises liquor to be consumed off of the licensed premises unless the licensee's licence authorizes those activities. Also, no liquor may be sold, provided or consumed in a storeroom, vestibule (foyer, entry) waiting area, kitchen, hallway or other service area.

However, a partially consumed bottle(s) of wine in a Class A premises may be removed by the patron if it is sealed by the licensee and placed in a bag.

References: *Gaming and Liquor Act*, Sec. 68(2)
Gaming and Liquor Act, Sec. 69(1) & (2)
Gaming and Liquor Act, Sec. 70
Gaming and Liquor Regulation, Sec. 35
Gaming and Liquor Regulation, Sec. 38
Gaming and Liquor Regulation, Sec. 42

Entertainment

If you are planning to provide entertainment, sport, or other activity in the licensed premises, you should be aware that the AGLC may restrict or prohibit any of the following:

- Gambling or gambling devices
- Contests or lotteries
- Sale or purchase of lottery tickets
- Types of entertainment
- Types of games
- Nude Entertainment

If you're uncertain of any of the above, contact the AGLC Office nearest you, or refer to the "Entertainment and Games Schedule" in the [Licensee Handbook](#).

Common Questions

1. ***What criteria is used in deciding what games or entertainment are acceptable or not allowed?***
Entertainment or games which are degrading or dehumanizing or which cause anyone involved or watching to be distressed, embarrassed or concerned for their safety are prohibited. Also, entertainment, sport or games that involve physical contact between patrons, other than patron dancing, are prohibited.
2. ***Do I need approval to have nude entertainment in my premises?***
No. Nude entertainment is permitted for Class A and Class C licensed premises. Certain restrictions apply to this type of entertainment and you should contact the AGLC's Regulatory Division or refer to Section 5.11 of the [Licensee Handbook](#) prior to having this type of entertainment. Licensed premises with VLTs are not permitted to have nude entertainment.
3. ***Can I allow card tournaments in my premises?***
Card games such as crib, which do not involve the exchange of money, are allowed. However, all casino card games such as poker and blackjack are prohibited, even if no money is exchanged.

References: *Gaming and Liquor Act*, Sec. 69(1)
Gaming and Liquor Regulation, Sec. 95(1) & (2)

Food Service

Class A, B and C licensees shall provide food service that is satisfactory to the AGLC's Regulatory Division. This food must normally be available during the hours that liquor is offered for sale.

Common Questions

1. *I have a Class A Licence with Minors allowed and a Class A Licence with Minors prohibited. What is the basic difference in the food requirements?*

In Class A premises where minors are allowed, a selection of food items suitable for a full meal during all hours of operation must be provided. Patrons may order liquor without eating.

In a Class A premises where minors are prohibited, some hot food such as hot dogs, pizza, hamburgers, chicken wings, sandwiches, etc. are normally offered for a light meal or snack. Food service is not required past 11:00 p.m.

2. *Is every licensee required to have a food menu?*

Yes. All Class A, B and C licensees must have a food menu satisfactory to the AGLC's Regulatory Division.

Reference: *Gaming and Liquor Regulation, Sec. 67*

Liquor Service

Section 66 of the [Gaming and Liquor Regulation](#) states all licensed premises must have a liquor menu. The [Licensee Handbook](#) states the amount of liquor in a drink and the price must be specified on a menu or price list.

Class A, B and C (except Canteen or Adult Residence) and Commercial Public Resale Special Event licensees are not permitted to sell or offer to sell liquor less than the approved **minimum** prices:

- a) Spirits and Liqueurs - \$2.75 per 28.5 ml (1 oz) or less;
- b) Bottled/Canned Beer/Coolers/Cider - \$2.75 per 341 ml bottle or 355 ml can
- c) Draught Beer - \$0.16 per 28.5 ml (1 oz)
- d) Wine - \$0.35 per 28.5 ml (1 oz)

Note: GST is not included in above prices.

Minimum price means the lowest price at which a licensee may sell liquor at any time, even during drink specials, and promotions.

Common Questions

1. *What kind of liquor menu is satisfactory?*

Any type of liquor menu that describes products for sale, serving size and the price. Examples are: table menu, wall menu, and tent card menu.

2. *Do I have to list the kinds of liquor in each drink?*

No. It's acceptable to use a collective word such as beer, cocktail, highball or shooter to describe a drink as long as the amount of liquor in the drink is clearly indicated.

3. *May I have drink specials?*

Yes. You may offer reduced drink prices at any time during operating hours, provided the prices comply with other policies aimed at promoting responsible liquor service and consumption, such as minimum drink prices. Drink pricing must never be less than the approved minimum prices.

4. *Is there a restriction on the number of drinks a patron can possess?*

All liquor service must be done in a responsible manner, and you must ensure that patrons are not allowed to consume to the point of intoxication. The maximum number of drinks that may be sold to a patron, or be in their possession after 1:00 a.m. must not exceed two (2) standard size servings of liquor at any one time. Standard serving sizes of liquor are defined as the following:

- a) spirits and liqueurs – 28.5 ml (1 oz.);
- b) wine – 142 ml (5 oz.);
- c) bottled/canned beer – 341 ml/bottle or 355 ml/can;
- d) draught beer – 341 ml (12 oz.); and
- e) cider/coolers – 341 ml/bottle or 355 ml/can.

5. *Are there any other restrictions on liquor pricing?*

Yes. Free liquor specials and promotions of all you can drink for a fixed cost; multiple drink specials (2 for 1) are prohibited.

6. **Can I sell liquor to an intoxicated person or serve a person to the point of intoxication?**
No. A liquor licensee may not sell or provide liquor to a person apparently intoxicated by liquor or drug. A person apparently intoxicated by liquor or a drug must not be permitted to consume liquor in the licensed premises.

Reference: *Gaming and Liquor Act*, Sec. 75.1
Gaming and Liquor Regulation, Sec. 66

Forced Liquor Sales

Some patrons who visit your licensed premises may not want to consume liquor. Section 64 of the [Gaming and Liquor Act](#) states you cannot demand that any person purchase liquor on licensed premises.

Common Questions

1. **Can I charge for water?**
Yes. However, all prices must be posted.
2. **Can I insist all of my customers buy something to stay in my premises?**
Yes. However, you cannot demand that they buy liquor; they could be asked to purchase a non-alcohol drink or food for example. You could also consider implementing a cover charge.

Reference: *Gaming and Liquor Act*, Sec. 64

Advertising

Licensees are responsible to ensure that all advertisements in newspapers, magazines, signs and flyers comply with AGLC Board policies.

Common Questions

- 1. *Can I advertise regular prices in the newspaper or on the radio?***
Yes, in newspapers or other print media. Licensees may advertise liquor on radio or television, as long as it does not contravene the regulations of the [Canadian Radio-Television and Tele-communications Commission](#) (CRTC) and any other regulator with jurisdiction.
- 2. *Are there certain things I should not be advertising when it comes to liquor?***
Yes. Advertising must not: be targeted at minors, encourage non-drinkers to consume liquor, promote irresponsible liquor consumption or service, show heavy or prolonged liquor consumption, give the impression liquor benefits a person's health and put down another company, business or product.
- 3. *Can I advertise drink specials?***
Yes. Licensees may advertise liquor prices; however, free liquor specials, multiple drink specials (e.g., 2 for 1), or "all you can drink" for a fixed cost promotions are not permitted, and may not be advertised.
- 4. *I have a Class D licence for off sale in my hotel. Can I advertise sale items?***
Yes. Class D licensees (which include hotel off sale and retail liquor stores) may advertise discount prices.
- 5. *Can I advertise brands of liquor?***
Yes. The advertising must include a featured product(s) and prices(s). The licensee must receive permission in advance from the liquor supplier to use the brand logo, typeset or trademark. A licensee is prohibited from receiving or requesting any benefit (money or other) from a liquor supplier for advertising its brands.
- 6. *I own a Class D Liquor Store and another business. Can I use another business to promote the other?***
No. A licensee who also owns or operates another business cannot conduct common/joint advertising featuring both business interests in the same advertising (no cross-marketing or joint advertising).

Reference: *Gaming and Liquor Act*, Sec. 67(1) & (2)

Incentives / Promotions

Licensees are responsible to ensure that liquor sales activities do not unlawfully promote one product over another.

Common Questions

- 1. Can I have a contest with liquor as a prize or provide a bar tab as a prize?**
No. Patrons may not be offered or given liquor as a prize (except Class D Retail Liquor Store licensees).
- 2. Can I have a draw where customers are given an entry form when they buy a certain product?**
No. Competitions, contests or draws which involve the purchase or consumption of liquor are not permitted.
- 3. Are there a maximum number of drinks that I can sell/serve to my customers?**
Yes. The maximum number of drinks that may be sold or served or in the possession of a patron after 1:00 a.m. must not exceed two (2) standard size servings of liquor at any one time.

Standard sizes of liquor are defined as the following:

- a) spirits and liqueurs – 28.5 ml (1 oz.);
- b) wine – 142 ml (5 oz.);
- c) bottled/canned beer – 341 ml/bottle or 355 ml/can;
- d) draught beer – 341 ml (12 oz.); and
- e) cider/coolers – 341 ml/bottle or 355 ml/can.

Reference: *Gaming and Liquor Act*, Sec. 64
Gaming and Liquor Act, Sec. 61(1)
Gaming and Liquor Act, Sec. 67(1) & (2)

Inducements

Owners or managers of a business with a liquor licence are sometimes offered promotional items from liquor suppliers. It's important to understand what items can be offered and accepted at your place of business.

Liquor suppliers are not allowed to offer anything that is of value to the business or anyone working there. Managers, owners or employees where liquor is served or sold are not allowed to ask for or accept these kinds of offers.

Any items of value that are given or accepted by employees at licensed premises must be given back to the supplier.

A liquor supplier can give owners and managers items that are not necessary for the business to run.

For further information on inducements, please refer to the following: [Liquor Licensee Handbook](#), [Retail Liquor Stores Handbook](#), [General Merchandise Liquor Stores Handbook](#) or the [Liquor Agency Handbook](#).

Common Questions

1. *What types of inducement items are not allowed?*

Items such as money (direct cash payments or advances of money), rebates, coupons or credits that have monetary value, free liquor, gift cards, travel expenses, menu printing, entertainment, furniture, interior decorating (includes painting, draperies, carpeting), construction or repairs.

2. *What type of items can a supplier give owners and managers?*

Items that are or can be used in the day-to-day operations of the bar, but are not necessary to operate the business are permitted. Such as aprons or hats for staff, bar towels, bottle openers, corkscrews, clocks, coasters, drip mats, flags, pennants, lapel pins, napkins, patio umbrellas, glasses, mugs, posters and tent cards.

Reference: *Gaming and Liquor Act, Sec. 66*
Gaming and Liquor Regulation, Sec. 81
Gaming and Liquor Regulation, Sec. 82

Buy / Sell Agreements

Buy/Sell Agreements (BSA) are documents which establish the terms and conditions under which a liquor supplier will provide a licensee with promotional items in exchange for the licensee promoting a specific brand(s) of liquor.

All promotional items must be included in a BSA, except for liquor tastings and added-value items. These promotional items must be directed to customers not employees.

Liquor products may be provided as a draw prize or give-away item only in a Class D Retail and General Merchandise Liquor Store.

A licensee conducting a promotion on behalf of a liquor supplier needs to keep a written record of the winner's name, address and telephone number of every person who receives a draw prize or give-away item with a wholesale value of \$100 or more.

Common Questions

- 1. *Can cash or cheques be provided as a promotional item?***
No. Cash or cheques cannot be used as a promotional item.
- 2. *What information must be documented on a BSA?***
The name and registration number of the liquor supplier/agency; name, licence number and class of the licensed premises; duration of the agreement (maximum 12 months); a list of the promotional items and/or services provided and their retail value; and the terms of the agreement specifying product brands and quantities (words such as "while supplies last" are not acceptable).
- 3. *Does a copy of the BSA have to be kept by the liquor supplier and the licensee at the licensed premises?***
Yes. If the liquor supplier or licensee has multiple locations, a copy of the BSA must be kept at the liquor supplier's head office and at every licensed premise.
- 4. *Do I have to provide AGLC the BSA if requested?***
Yes. A copy of the BSA must be provided to AGLC upon request.
- 5. *How long do I have to keep the BSA on file?***
The BSA must be kept for a minimum of one (1) year after the expiry of the agreement.
- 6. *Can I change the effective period on a BSA?***
It may be changed if both parties agree. The date change must be initialed by both the liquor supplier and the licensee on the original document. Keep in mind that the duration of the document cannot exceed 12 months.

Reference: *Gaming and Liquor Act, Sec. 66 & 67*
Gaming and Liquor Regulation, Sec. 80 through 85

Inspectors (AGLC)

Inspectors are authorized under Section 103 of the [Gaming and Liquor Act](#) to enter your licensed premises and conduct any of the following:

- a) take samples of liquor from the licensee or any person in the licensed premises;
- b) inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to liquor or gaming, or may temporarily remove any of them for those purposes;
- c) interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts;
- d) interview and request identification from any person who appears to be a minor;
- e) interview and request identification from any person who appears to be intoxicated;
- f) interview and request identification from any person who is found in the licensed premises after the sale and consumption of liquor have been required to cease; and
- g) seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe the identification is false or has been altered.

It is an offence to refuse or obstruct or attempt to obstruct an Inspector from entering and inspecting your premises. The licensee and employees of the licensee shall not hinder, obstruct or impede Inspectors in the performance of their duties. Full co-operation, including allowing timely access to the premises and answering all reasonable questions must be provided pertaining to the management and operation of licensed premises.

Common Questions

1. *How can we identify an Inspector?*

Each Inspector carries picture identification and a badge.

2. *Can an Inspector seize liquor from my licensed premises?*

Yes. An Inspector may seize liquor if he or she believes the liquor is unlawfully acquired or kept. An Inspector may also take liquor samples and remove books, records, collect electronic data images or video as well as other documents. A receipt for anything removed by the Inspector will be provided to the licensee.

3. *Why do Inspectors check areas other than the licensed room?*

In order to qualify for a liquor licence, additional areas of a premises other than the licensed room must meet particular requirements (for example, a kitchen to support food service requirements, guest rooms in a hotel to obtain an off sale licence). Also, the premises described in a licence includes: any storeroom, vestibule, waiting area, washroom, kitchen, hallway, or other service areas adjacent to and necessary or appropriate to the operation of a licensed premises, where liquor is not sold or consumed.

Reference: *Gaming and Liquor Act*, Sec. 98(1)
Gaming and Liquor Act, Sec. 99
Gaming and Liquor Act, Sec. 101
Gaming and Liquor Act, Sec. 103(1) to (4) & 103(6)
Gaming and Liquor Act, Sec. 104
Gaming and Liquor Act, Sec. 106(1) & (2)

Cooperation with the Police

Police Officers are defined as Inspectors under Section 98(2) of the [Gaming and Liquor Act](#) and have the right to enter and inspect licensed premises. A good working relationship with your Police department should be maintained.

Common Questions

1. *When should the Police be called?*

The safety of patrons and your staff is of prime importance. If you cannot ensure this, then you should call the Police. When Police are called, it is because an offence has been committed or suspected. If you call the Police, be prepared to:

- a) Identify the people involved.
- b) Supply the facts regarding the incident.
- c) Support the Police decision.
- d) Lay charges.
- e) Make notes and if requested, give the Police a statement.
- f) Give evidence in court.

2. *Can a Police Officer enter my licensed premises on a walk through?*

Yes. Police Officers have the right to enter and inspect licensed premises.

3. *Can a Police Officer remove person(s) from a licensed premises who they believe to be associated with a gang?*

Yes. Police Officers may exclude or remove person(s) from a licensed premises who the officer believes to be associated with a gang.

Reference: *Gaming and Liquor Act, Sec. 98(2)*
Gaming and Liquor Act, Sec. 99
Gaming and Liquor Act, Sec. 69.1

Penalties

Police Charges

If you are charged by the Police for a violation of the [Gaming and Liquor Act](#) or the [Gaming and Liquor Regulation](#), the following sections from the Act outlines the penalties the courts may levy:

- Sec. 117
- (1) An individual who is convicted of an offence for which no specific penalty has been provided is liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months, or to both the fine and imprisonment.
 - (2) A corporation convicted of an offence for which no specific penalty has been provided is liable to a fine of not more than \$50,000.
- Sec. 120
- (1) If a corporation commits an offence under this Act, any officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.
 - (2) If a partnership that is the holder of a licence commits an offence under this Act, every member of the partnership who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the partnership has been prosecuted or convicted of the offence.

In addition, several charges under the [Gaming and Liquor Act](#) have specific penalties as defined in the [Procedures Regulation Act](#) Parts 5.1 and 5.2.

AGLC Disciplinary Action

The AGLC Board may take disciplinary action for the following reasons.

- Sec. 91
- (1) The Board may do any one or more of the things referred to in subsection (2) if the Board is of the opinion that:
 - (a) a licensee or registrant has failed to comply with this Act, an order of the Board or a condition imposed on a licence or registration;
 - (b) a liquor licensee has failed to comply with stadium bylaws;
 - (c) a licensee has failed with respect to licensed premises or a licensed facility to comply with the Safety Codes Act, orders under the Public Health Act or any municipal bylaw;
 - (d) an owner of licensed premises or facilities or a manager of licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of the licensed premises or facilities has been charged with or convicted of an offence under this Act, the Criminal Code (Canada) or other federal legislation or stadium bylaws;

- (e) if the licensee or registrant is a corporation, a shareholder, director, officer or employee of the corporation has been charged with or convicted of an offence under this Act or the Criminal Code (Canada) or other federal legislation;
 - (f) if the licensee or registrant has committed any act that is contrary to the public interest or that detracts from the integrity with which gaming activities or provincial lotteries are to be conducted in Alberta.
- (2) If subsection (1) applies, the Board may, by order, with respect to a licensee or registrant do any one or more of the following, with or without a hearing:
- (a) issue a warning;
 - (b) impose conditions on the licence or registration or rescind or amend existing conditions on the licence or registration;
 - (c) impose a fine of not more than \$200,000 and refuse to issue or reinstate a licence or a registration until the fine is paid;
 - (d) subject to this section, suspend or cancel the licence or registration.
 - (e) in a case where a person referred to in subsection (1)(d) or (e) has been charged but not convicted of an offence referred to in that clause or in a case to which subsection (1)(f) applies, begin an investigation of the matter and suspend the licence or registration pending completion of the investigation.

Reference: *Gaming and Liquor Act*, Sec. 91(1) & (2)
Gaming and Liquor Act, Sec. 117(1) & (2)
Gaming and Liquor Act, Sec. 120(1) & (2)

AGLC Penalty Guidelines

The scale of penalties represent disciplinary measures normally taken by the Alberta Gaming and Liquor Commission respecting violations of the Gaming and Liquor Act, Gaming and Liquor Regulation, an Order of the Board or a condition of a licence, pursuant to Section 91 of the Gaming and Liquor Act. Penalties may vary from the guidelines in mitigating or extreme circumstances. The AGLC Board, when making an Order under Section 91(2) of the Gaming and Liquor Act, will consider the relevant disciplinary record of the licensee/registrant and that of any affiliated business or corporation which holds a licence or registration issued under the Act. The Gaming and Liquor Act and the Gaming and Liquor Regulation should be referenced for the actual wording of these and other violations.

For further information refer to the Licensee Discipline Policy in the [Licensee Handbook](#) and the [Retail Liquor Store Handbook](#).

Social Responsibility

1. Let pregnant women, and their partners, know that you support alcohol free pregnancies. Help prevent Fetal Alcohol Spectrum Disorder (FASD) by providing non-alcoholic drink specials for pregnant women. For more information and resources on preventing FASD visit: <http://fasd.alberta.ca/>
2. Ensuring your patron's safety is critical to the long-term success of your business. A safe environment is an attractive environment. Incentives, like drink specials can change patron drinking patterns, encourage over-consumption and lead to increased risk of harm for patrons, staff and public. To attract patrons over the long term:
 - a) offer drink specials when patrons are most likely to order their drinks with food; and
 - b) offer patrons incentives such as door prizes, random give-aways, food specials, and T-shirts.
3. Ensure responsible liquor service by always checking identification. It is a requirement that you check ID for anyone who appears to be under the age of 25. If a customer cannot provide acceptable ID or refuses to provide ID, ask them to leave the premises. If it is a minors prohibited premises the individual should be refused entry or/and asked to leave. If it is a minors allowed premises refuse to sell or serve liquor to them.
4. If a patron starts to disturb other patrons, intervene early to prevent the situation from escalating. If you feel it is necessary, you may want to ask the customer to leave the premises. When defusing a tense situation, always look calm and relaxed. Treat everyone involved with respect, listen actively and attentively. Show confidence and avoid escalating behaviors.
5. Support a safe ride home service. Help prevent impaired driving by providing non-alcoholic drink specials for designated drivers.

Impaired Driving Resources

Alberta has developed various resource materials to inform and educate the general public about the real costs of impaired driving. The goal is to ensure the message gets through and helps decrease the incidences of drinking and driving in all age categories. These resource and promotional materials are provided at no cost and are available by contacting:

The Alberta Traffic Safety Initiative, Alberta Transportation
Main Floor, Twin Atria
4999 – 98 Avenue
Edmonton, Alberta T6B 2X3
Phone: 780-422-8839
For toll free service outside of Edmonton call 310-0000 and ask for 422-8839
Fax: 780-422-3682
www.saferoads.com

Commercial Host Liability

Commercial hosts have long been recognized as owing a duty of care to ensure their patrons are reasonably safe while on the premises. The duty derives from common law and various provincial liquor control and occupiers liability legislation.

The point at which your duty of care ends is not defined, and is something you may want to discuss with your lawyer.

Common Questions

1. *As a licensee, what is my responsibility to patrons when serving liquor?*

If a patron arrives intoxicated or becomes intoxicated while on your premises, you must **refuse service and take steps to ensure the patron and others are protected** from dangers or hazards that can be reasonably predicted as a result of their behavior (such as a patron who drinks and drives causing a collision). This duty to the patron and others may continue even after the patron leaves your premises.

Given the possible implications to your business, you may want to consult with a legal professional for further advice on the extent of your potential liability.

Liquor Sample Court Case out of Alberta

Stewart v. Pettie (1995) The defendant, Mr. Pettie spent the evening at a dinner theatre production with family members. While there, Mr. Pettie consumed several drinks. Mr. Pettie left in the company of his sober wife and sister, who knew how much he had to drink. In the parking lot the family members had a discussion as to who would drive. They questioned Mr. Pettie's ability to do so, but allowed him to drive anyways. He caused a collision seriously injuring his sister. Evidence was established that he was intoxicated even though he showed no visible signs when he drove family members away from the theatre at the end of the evening. The court devised a three-part test to determine the liability of the establishment: Does a duty of care exist; has the appropriate standard of conduct been met (was there an obligation to take positive action and was sufficient action taken); were the victim's injuries foreseeable. The Supreme Court concluded that an establishment's duty of care did not end when the individual left the establishment but, in fact, continued well beyond it. The court stated that "...a bar owes a duty of care to the patrons and, as a result, may be required to prevent an intoxicated patron from driving where it is apparent that he intends to drive." In conclusion the court did not find the injury was foreseeable given the defendant was with 2 sober people who could have driven home or found them all alternative transportation. It is only when there is a foreseeable risk to the patron or a third party that the licensee is required to take some action.

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