


FINAL REPORT
of the
Yukon Liquor Act & Regulations
Review Committee



Dorothy John
James F. King
Cam Ogilvy
Doug Phillips

October 2001

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	Page 1
SUMMARY OF RECOMMENDATIONS.....	Page 3
INTRODUCTION.....	Page 8
CONSULTATION PROCESS.....	Page 8
GENERAL OBSERVATIONS.....	Page 10
RECOMMENDATIONS	
Education & Awareness.....	Page 12
Language & Organization of the Act.....	Page 14
Mandatory Periodic Review	Page 15
Yukon Liquor Corporation Board of Directors, Administration & Revenues.....	Page 18
Minors & Alcohol.....	Page 20
Public Drinking & Intoxication	Page 22
Licence Holder & Server Training	Page 24
Responsible Service	Page 25
Licence Types & Conditions	Page 25
Offsales Hours	Page 30
Penalties & Enforcement	Page 31
Barring Entry.....	Page 33
Inspectors & Inspections.....	Page 34
Suspensions	Page 34
Number of Licensed Establishments	Page 35
Product Pricing	Page 36
Yukon Liquor Corporation Administration	Page 37
Recycling	Page 37
OTHER CONCERNS	Page 38

EXECUTIVE SUMMARY

The Yukon Liquor Act & Regulations Review Committee was appointed by the Minister Responsible for the Yukon Liquor Corporation in August 2000. The Committee held consultations throughout the Yukon during winter and spring 2001, for a total of 56 meetings with individuals from Yukon communities, First Nations, social service organizations, RCMP, licensees, the hospitality industry and other interested parties.

A questionnaire was also distributed to Yukon households to initiate discussion about important issues regarding alcohol and the Liquor Act Review. The return was very favourable—over 2000 questionnaires were completed and returned, an impressive 13% response rate. Of those returned, 73% came from Whitehorse and 24% came from other Yukon communities. The questionnaire was not a scientific survey. However, it did establish that Yukon residents were very concerned and interested in the issues.

Based on what the Liquor Act Regulations & Review Committee heard and read during the Review, they have developed forty-nine recommendations for submission to the Minister Responsible for Yukon Liquor Corporation. The Committee heard several common themes and messages throughout the process.

People expressed a desire for greater personal, parental and community responsibility related to alcohol use. A large majority of Yukoners consider themselves to be responsible users of alcohol; many noted that alcohol is often ‘demonized’ and is frequently associated with a relatively small number of people with serious alcohol-related problems. Many Yukoners seek to ‘normalize’ alcohol use, and several cited European models of reasonable alcohol consumption where more liberal laws are believed to avoid the “getting drunk” mentality and expose children to socially acceptable behaviour. The public expressed very low tolerance for panhandling, loitering, and other issues they associate with alcohol.

Very noteworthy was the repeated and strong call for changes by the Yukon Government on a number of fronts relating to a critical issue: the health and social costs of alcohol abuse arising from a small minority of Yukoners. Yukon people need and want better resources—for example, education and awareness programs, tighter laws, improved law enforcement—to curb alcohol related problems. While the public recognizes that the Liquor Act is just one of many tools that the Yukon Government can use to address this issue, people viewed the Review as a forum for discussion about a wide range of solutions to what is clearly a major issue for Yukon communities.

For many reasons, Yukoners indicated they want the Yukon Liquor Act to be rewritten. The legislation is outdated, hard to understand, and cumbersome due to over two decades of 'add-ons' to the Act. Industry seeks a more streamlined licensing regime, and Yukon people desire a modern Act that brings the territory's liquor laws "into the 21st century", and puts Yukon practices in line with neighbouring jurisdictions.

The concerns of rural communities often differed from those in Whitehorse and Dawson City. Urban Yukoners tended to be more interested in discussing a desired increase in the availability of alcohol, through the introduction of neighbourhood pubs and beer and wine stores. Rural Yukoners called for a tougher stand against bootleggers, curtailment of off-sales hours, and were very concerned about youth, alcohol abuse and alcohol related deaths. The huge social and financial costs of Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) are of great concern to all Yukoners.

Access to alcohol by children and youth is also a major concern. Many people advocate ways of reducing the ability of youth to acquire alcohol or gain access to bars, while others seek tougher punishments for those who supply minors with alcohol. Some measures were suggested to allow for flexibility for minors working in the hospitality sector or for youth entertainers.

The hospitality industry expressed strong objections to changes in licensing restrictions that would shrink their revenues during tough economic times. Licensees testified to the importance of alcohol sales to the success of their businesses, and advocated a number of measures such as using credit cards for bulk purchases of alcohol and wholesale pricing.

Industry and the public supported more comprehensive server training (*Be A Responsible Server*), and would like to see Yukon Liquor Corporation support the program financially. Many people expressed a desire for YLC revenues/profits to be directed toward Yukon Government-approved education and awareness programs, treatment centres and other related programs.

SUMMARY OF RECOMMENDATIONS

1. The Committee requests that the Minister Responsible for Yukon Liquor Corporation convey to the appropriate Ministers the concerns of Yukoners regarding the need for alcohol education awareness and treatment programs in rural as well as urban areas.
2. The Yukon Liquor Act & Regulations should be rewritten. The new Act should be:
 - written in plain, unambiguous language;
 - organized in a logical, linear manner;
 - comprehensible to the licensees, inspectors, enforcement officers, employees of the Yukon Liquor Corporation, members of the YLC Board of Directors, and members of the general public;
 - developed in consultation with other departments and agencies,
 - written to meet the needs of Yukoners regardless of their geographic location;
 - applied universally; and
 - relevant and adaptable for both current and future applications.
3. The Yukon Liquor Act should be reviewed on a regular basis (e.g. every eight to ten years).
4. The Yukon Liquor Act should require the YLC Board of Directors comprise five persons representative of the Yukon population, including an industry representative. YLC Board members should not serve more than two consecutive terms, and the terms should be staggered to ensure continuity.
5. The Yukon Liquor Act should clearly define its intent regarding the Yukon Liquor Corporation, clarify the mandate of the Board and Corporation, and establish an independent Appeals Board comprised of three members of the general public with access to legal advice.
6. The Yukon Liquor Act should direct the establishment of a committee comprised of three members of the YLC Board, one of whom should be the Board's industry representative, for the purpose of developing a policy manual for use by the YLC Board of Directors. This manual would include guidelines for fines, penalties, and suspensions.
7. The Yukon Liquor Act should direct profits of the Yukon Liquor Corporation either wholly, or in significant part, toward Yukon Government approved "socially responsible" alcohol education and/or treatment programs.

8. The Yukon Liquor Act should maintain the legal age for buying and consuming liquor in the Yukon at 19 years of age.
9. The Yukon Government should produce a multi-purpose identification card system of high quality and integrity.
10. The Committee recommends the Yukon Liquor Act permit underage entertainers to perform in bars under special circumstances. When strict guidelines are observed, youth should be allowed to perform as entertainers. The Yukon Government should examine how the Liquor Act & Regulations regarding underage entertainers in licensed establishments is applied in British Columbia and Alberta.
11. Under strictly controlled conditions, the Yukon Liquor Act should allow minors under the direct supervision of an adult to deliver food to patrons in establishments serving primarily alcohol, and also allow minors to deliver alcoholic beverages in an establishment serving primarily food.
12. The Yukon Liquor Act should state that minors are not permitted to sell alcohol at off-sales establishments.
13. The Yukon Liquor Act should extend the ability of municipal bylaw officers and First Nation government's enforcement persons to issue fines and penalties for public drinking and public intoxication.
14. The Yukon Government must work with the City of Whitehorse, other municipalities and First Nations to resolve the problem of loitering, panhandling and related activities.
15. The Yukon Government should resolve jurisdictional problems regarding waterfront lands, thereby enabling enforcement of public drinking bans.
16. The Yukon Liquor Act should clearly define the terms "intoxicated" and "appeared to be intoxicated." The Yukon Government should also examine the value and feasibility of adopting the Intoxicated Persons Detention Act in use in other Canadian jurisdictions.
17. The Yukon Liquor Act should be changed to allow RCMP to take intoxicated persons into custody for 24 hours.
18. The Yukon Liquor Act should state that the granting of a liquor licence is contingent upon the licensee and all servers, including those working at off-sales, successfully completing the *Be A Responsible Server* (B.A.R.S.) training. Out-of-territory certification will be accepted for those working in the Yukon on a short-term, temporary basis only.

19. The Yukon Liquor Act should require the delivery of the B.A.R.S. program in a readily accessible mode, on demand, and with the training costs assumed by the Yukon Liquor Corporation.
20. The Yukon Liquor Corporation should work with the hospitality industry, the RCMP, health professionals and other relevant authorities and non-government agencies to develop and deliver a comprehensive, quality B.A.R.S. training program. The program should be reviewed and evaluated on an ongoing basis for relevancy, comprehensiveness and timeliness of delivery.
21. The Yukon Liquor Act should state that the granting of a licence for a non-profit or special event is contingent upon at least one person, who is present at the event and in a supervisory capacity, successfully completing B.A.R.S. training.
22. The Yukon Liquor Act should reflect the view that adults are responsible for their behaviour and actions. The Act cannot—and should not—try to control everyone's actions.
23. The Yukon Liquor Act should provide the right for a licensee and/or a server to refuse service of alcohol to a pregnant woman, just as they can refuse service to an intoxicated or belligerent patron.
24. The Yukon Liquor Act should state that bar “tabs” should be paid by closing time of the day in which the expense was incurred. It should be an offence for the licensee to carry a bar tab over to the next day.
25. The Yukon Liquor Act should modernize, streamline and reduce the number of types of liquor licence classifications. These classifications should allow for a diversity of licensed establishments such as food primary, liquor primary, wine & beer stores, beer gardens, farm wineries, neighbourhood pubs, bed & breakfast operations and off-sales at RV Parks.
26. The Liquor Act should allow for a licence category for seasonal operations that is renewable annually.
27. The Yukon Liquor Act should clarify ownership and responsibility of the licence.
28. The Yukon Liquor Act should allow for a single, annual licence for multi-use, public recreation facilities.

29. The Committee recommends that the Yukon Government consider a more flexible, common sense approach to licensing for clubs (e.g. golf).
30. The Yukon Government and Yukon Liquor Act should neither license “U-Brews” nor tax “U-Brew” products.
31. The Yukon Liquor Act should allow for “U-Brew” products to be provided at private events under special licence.
32. The Yukon Liquor Corporation should develop in full consultation with the public and user groups, conditions to govern special event permitting.
33. The Yukon Liquor Act should ensure that the Corporation has uncontestable legal authority to apply the conditions on special event permits.
34. The Yukon Liquor Act should reduce off-sales hours to a Yukon-wide standard of a maximum of 11 hours a day between 9:00 a.m. and 10:00 p.m.
35. The Yukon Liquor Act should significantly raise all fines and penalties, particularly those for selling and/or supplying alcohol to minors, bootlegging and the use of a forged identification card.
36. The Yukon Liquor Act should require heavy penalties for the over-service of alcohol.
37. The Yukon Liquor Act should ensure increased monitoring and enforcement of laws and regulations pertaining to over-service, including over-service at off-sales.
38. The Yukon Liquor Act should require swift collection of fines and link non-payment to driver’s licence renewal and/or deal with non-payment under the Income tax Act and/or other ensured means.
39. The Yukon Liquor Corporation should work with the hospitality industry and the RCMP to develop a set of standards, processes and guidelines regarding barring patrons with the aim of ensuring consistent application throughout the Yukon Territory.
40. The Yukon Liquor Act should provide for more frequent and ad hoc inspections of licensed premises, including off-sales.
41. The Yukon Liquor Act should require Yukon Liquor Corporation Inspectors to notify licensees immediately that their licence is being reviewed and provide the reason(s).

42. The Yukon Liquor Act should state that the licensee must have a licence in effect while a suspension is served.
43. The Yukon Liquor Act should require the general public to be informed, in the print media and elsewhere as is reasonable, of a licence suspension including the reason(s) for the suspension.
44. The Yukon Liquor Act should not restrict the number of licensed establishments in an area.
45. The Yukon Liquor Corporation should allow licensees to purchase at wholesale prices.
46. The Yukon Liquor Corporation should continue to determine the off-sale mark-up rate.
47. The Liquor Act should permit the sale of single units of alcohol (e.g. a single bottle of beer or cider).
48. The Yukon Liquor Corporation should allow licensees to use a credit card to pay for bulk liquor purchases.
49. The Yukon Liquor Act should continue to support the various aspects of recycling liquor beverage containers and packages.

INTRODUCTION

The Yukon Government announced in Spring 2000 that it would conduct a full public review of the Yukon Liquor Act & Regulations. A quarter of a century has passed since the Act was adopted in 1977. The purpose of the Review is to update and improve the legislation to better meet the needs of Yukoners. For this reason, the Yukon Government established the Liquor Act & Regulation Review Committee to consult with the people of the Yukon and seek their ideas, concerns and recommendations regarding the Yukon Liquor Act.

CONSULTATION PROCESS

In August 2000, the Minister Responsible for the Yukon Liquor Corporation (YLC) appointed four Yukon residents to the Liquor Act & Regulations Review Committee: Dorothy John, Cam Ogilvy, James King and Doug Phillips. As the lead agency, the YLC hired Faye Chambers of InfoReach Consulting & Training to assist the Committee during meetings and in writing this report. The YLC provided secretariat services for the review, and Corporate Services Director, David Steele, attended all public and stakeholder meetings on behalf of the Corporation.

Just prior to the beginning of consultations, the YLC secretariat developed and distributed a questionnaire to Yukon households to prompt discussion and solicit input. Over 2000 completed questionnaires were returned from throughout the territory. The responses were useful. At the request of the Committee, the secretariat was asked to survey Yukon visitors regarding their use of alcohol, or not, during their time in the Yukon. Possibly because of timing, the strategy and process was not as thorough as it should have been.

The Committee feels that it is important that a comprehensive component be included in future Yukon Government Visitor Exit Surveys to determine alcohol consumption and purchasing decisions of visitors.

Between November 2000 and January to February, 2001 the committee traveled throughout the territory meeting with concerned and interested Yukoners. In total, 56 meetings were conducted with individuals from Yukon communities, First Nations, social service organizations, RCMP, licensees, the hospitality industry and other interested parties. Summary reports were produced from all meetings, and many written submissions were received.

The Committee recognized that a broad range of industry and special interest groups might have specific concerns or views about the legislation. They invited approximately 285 special interest and stakeholder groups and 150 licensees to attend community meetings and provide input by way of a written submission and/or an oral presentation. The appendix contains the complete list of stakeholder and interest groups invited to participate.

Most people felt they had adequate opportunity to contribute to the review. Many participants also expressed consultation fatigue and said it was time for the Yukon Government to act. The Committee felt that the response was positive, with the exception of Old Crow. Although several attempts were made to reach the people of this community, the Vuntut Gwitchin First Nation said it preferred to make a written submission on behalf of the community. To date this has not been received. Neither has the submission promised by Ta'an Kwach'an Council.

Though turnout to Whitehorse public meetings was low, significant input was received through the large number of questionnaires received from Whitehorse residents. Participation by many civic and First Nation governments was disappointing, with several noteworthy exceptions including Mayo, Ross River, Pelly Crossing and Carmacks.

Input from licensees, workers in the hospitality industry and the RCMP provided invaluable insight into the practical application of the Act. Participation by the RCMP warrants special mention, as their members attended consultations in every Yukon community. Their expertise and contributions were impressive and much appreciated by the Committee.

The Committee has developed recommendations that reflect the concerns and issues raised by review participants. If there are omissions, it is because the concerns and issues were not raised. The absence of a discussion paper and a statistically reliable survey can be considered as contributing to a gap.

GENERAL OBSERVATIONS

Very soon into the process, it was apparent that the concerns of rural communities (with the exception of Faro) were different from those in Whitehorse and Dawson City. In Whitehorse and the immediate vicinity, issues concentrated mostly on expanding availability of liquor and licences, for example through beer and wine boutiques, U-Brew and neighbourhood pubs. Rural issues focused on alcohol abuse and alcohol related deaths, drunk driving, and bootlegging.

Sensitive to the ill-effects of alcohol, licensees commented on the difficulties of operating a hotel, lodge or restaurant in times of economic downturn. Revenues from alcohol sales were essential for operation, and typically their establishments were integral to the community, such as providing meeting space for volunteer groups.

The vast majority of Yukoners believed they were responsible drinkers and possessed a sound understanding of the appropriate use of alcohol. They indicated this in response to the question, “How would you rate your knowledge of the potential harmful effects of alcohol”, and during public meetings.

During these meetings we heard frequent references to European models of reasonable alcohol consumption—the approach that wine or beer complements a meal and social interaction. Not surprisingly, Europeans who have settled in the Yukon supported this concept. Some said they were shocked that children are not allowed in lounges. For them, it was a normal part of life to drink without getting drunk. Until they came to the Yukon, some said they had never witnessed people who thought alcohol was solely for this purpose.

On the other hand, everyone seemed to recognize that there is definitely an “alcohol problem”, and it was attributed to a relatively small proportion of the population. With few exceptions, Yukoners were firm in saying “the law is the law” and should be observed.

Participants stated that rules and regulations were insufficiently enforced, and their greatest concerns were about sale and provision of alcohol to minors, over-service, drunk driving, bootlegging and off-sales hours. People felt that if those with an “alcohol problem” were ready for help, then the Government should have this help readily available and in the local community.

Common themes throughout the process were:

- the need for greater personal, parental and community responsibility,
- the need to prevent access to alcohol by children and youth,
- the huge social and financial cost of Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE),
- that early opening and late off-sales closing hours are a major contributor to alcohol problems, and
- the significance of alcohol revenues for businesses.

RECOMMENDATIONS

The following recommendations are based on what we heard and read during the Review process. They are not necessarily the personal viewpoints of individual Liquor Act & Regulations Review (L.A.R.R.) Committee members or of the group as a whole. Most of these recommendations pertain directly to the Yukon Liquor Act & Regulations, and some are general directions and policy recommendations for the Yukon Liquor Corporation (YLC). Some recommendations—in particular Recommendation 1—apply only in part to the YLC.

In addition to the Minister Responsible, the Committee strongly urges other Yukon Government Ministers to read the review findings and apply them where appropriate. Many important issues are beyond the scope of the Liquor Act, or overlap with other departments and agencies, in particular Health & Social Services, Alcohol & Drug Secretariat, Justice, RCMP and Education.

Participants were earnest and hopeful in their contributions. They were looking to the Liquor Act Review as a means for achieving significant changes, and for many the Committee was viewed as representatives of the Yukon Government. They called for swift action on a number of fronts, not further “roadshows” by different government departments.

The importance of this overall recommendation cannot be overstated.

Education & Awareness

Recommendation 1:

The Committee requests that the Minister Responsible for Yukon Liquor Corporation convey to the appropriate Ministers the concerns of Yukoners regarding the need for alcohol education awareness and treatment programs in rural as well as urban areas.

Much of what was heard at public meetings centred on the social impact of alcohol abuse. Although aware that these concerns fall beyond the scope of the Liquor Act and mandate of the YLC,

*“Laws don’t make people use
common sense. Education helps.”*

Questionnaire

participants hoped that the Minister would raise these concerns with the appropriate Ministers. People were tired of consultations about substance abuse problems and wanted concerted action.

However, some viewed the new Act as a means of reflecting a change in outlook. The Substance Abuse Prevention Steering Committee hoped the new Liquor Act would reflect the “social face” of the Yukon even though the Act is primarily a technical or legal document. They recommended a Preamble stating the Yukon Government’s guiding philosophy, principles and values.

The following summarizes what the Committee heard from the general public regarding abuse prevention:

1. Alcohol should be neither demonized nor romanticized.
2. Educate the very young about what alcohol is, how it is used, and its effect. Many said it was too late for adults and teens. The primary responsibility for this education is with parents.

Sadly, some do not have that capability. In light of this reality, schools are the best avenue for delivery of vital messages regarding the appropriate use of alcohol and more should be done. Further sources of information are, of course, health centres and health agencies.

3. Educate pregnant and nursing women (and the father of the child) about FAS/FAE. Develop the means and mechanisms for community support of pregnant women.
4. Provide after-care treatment in home communities.
5. Adopt a comprehensive, Yukon-wide, strategic inter-government, inter-agency approach. The Committee heard that this works well in Teslin. As one respondent said, “Whatever it takes, we’re on the same team.”

“We can’t isolate people from alcohol. Please facilitate the process for teaching people how to live with it.”

Ross River resident

“The focus should not just be in Whitehorse with the communities getting the leftovers. If anything the communities are in more need of these programs.”

Beaver Creek resident

Language & Organization of the Act

Recommendation 2:

The Yukon Liquor Act & Regulations should be rewritten. The new Act should be:

- **written in plain, unambiguous language;**
- **organized in a logical, linear manner;**
- **comprehensible to the licensees, inspectors, enforcement officers, employees of the Yukon Liquor Corporation, members of the YLC Board of Directors, and members of the general public;**
- **developed in consultation with other departments and agencies;**
- **written to meet the needs of Yukoners regardless of their geographic location;**
- **applied universally; and**
- **relevant and adaptable for both current and future applications.**

In order to understand the Act and interpret it unequivocally, licensees, members of the YLC Board of Directors and the general public required it be written in plain language, organized in a logical fashion and that key terms be defined. We heard how the Act and its Regulations sometimes conflict, but more often how key terminology is open to interpretation leading to debates between inspectors and licensees.

Lack of clarity about what constitutes a “club,” “recreation facility” and “membership” creates confusion, and serves neither the consumer, the licensee, nor the YLC. Outdated language and categories allow for one group to be favoured over another and certain new types of licensed businesses to be unregulated. The new Act should be sufficiently adaptable to include new types of businesses as they emerge, such as wilderness tour operators, outfitters and bed & breakfasts. The Committee recommends universal application of regulations and requirements under the Liquor Act.

The report’s recommendations further address these situations as well as those where the Act is not relevant to the needs of today’s consumers. The Committee is concerned that there may be ambiguities and omissions in the Yukon Liquor Act which were not brought to our attention. We also feel that tinkering with the existing Act would be insufficient.

For all these reasons, the Committee strongly recommends the Yukon Government completely rewrite the Yukon Liquor Act.

The committee suggests the Yukon Government investigate legislation in other jurisdictions and draw from the considerable expertise and experience of other provinces. Let's not "re-invent the wheel", and instead modify the Liquor Act from other jurisdictions (e.g. British Columbia), making the appropriate changes to reflect the Yukon reality.

Mandatory Periodic Review

Recommendation 3:

The Yukon Liquor Act should be reviewed on a regular basis (e.g. every eight to ten years).

Overall, members of the public and stakeholders regarded the review as long overdue. Many were surprised that it would take two or more years for legislation to be enacted. Most said that reviews should take place more frequently.

Yukon Liquor Corporation Board of Directors, Administration & Revenues

Recommendation 4:

The Yukon Liquor Act should require the YLC Board of Directors comprise five persons representative of the Yukon population, including an industry representative. YLC Board members should not serve more than two consecutive terms, and the terms should be staggered to ensure continuity.

The board should be comprised of a balanced representation of Yukoners. A Whitehorse licensee noted that there should be at least one member on the Liquor Board that has experience running their own business. Possibly the YLC Board's lack of industry membership contributed to the perception that the Board was arbitrary, or ill-informed, on matters directly affecting potential and existing licensees.

"While there is gender, community and cultural representation on the current Board, as is wholly appropriate, the Board lacks any kind of representation from the industry most impacted by its decision making process or recommendations"

BCYHA-Yukon Zone

Recommendation 5:

The Yukon Liquor Act should clearly define its intent regarding the Yukon Liquor Corporation, clarify the mandate of the Board and Corporation, and establish an independent Appeals Board comprised of three members of the general public with access to legal advice.

Formal submissions were received from the BC/Yukon Hotel Association-Yukon Zone (BCYHA), the Yukon Liquor Corporation Board of Directors (YLC Board) and the Yukon Liquor Corporation. All sought clarification of the Government's intent regarding the Yukon Liquor Corporation and the role of the YLC Board. YLC

Board members themselves said that they find their role as described in the Act unclear and contradictory. Sometimes the Act refers to the YLC Board as being the corporation and then in other sections gives a conflicting role.

“If the board is not the corporation, then it is an appeals and licensing board. If this is true, then the board must have legal advice independent of the Corporation.”

YLC Board

Individual licensees and the BCYHA were frustrated by the lack of recourse to an independent authority when appealing a suspension and other YLC Board decisions.

Licensees emphasized that suspensions were not taken lightly; costs associated with interrupting business could be considerable. The BCYHA recommended a Yukon Appeals Board independent of the YLC and Board.

“The current system, whereby the only recourse is to those who suspended you in the first place, encourages licensees to plead guilty even when they are not.”

Licensee

Recommendation 6:

The Yukon Liquor Act should direct the establishment of a committee comprised of three members of the YLC Board, one of whom should be the Board's industry representative, for the purpose of developing a policy manual for use by the YLC Board of Directors. This manual would include guidelines for fines, penalties, and suspensions.

There is a perception that the YLC Board is arbitrary in reaching decisions about fines, closures and suspensions. Possibly, a lack of industry representation and access to legal counsel contributes to this perception.

Other important matters would also be addressed by the policy group. Licensees expressed the desire to offer promotions and “specials”, and they also wanted to be allowed to advertise product types and specific product names in advertising. The BCYHA called for clear and concise parameters for advertising to be developed in consultation with an industry working group. Members of the public, health care providers and some First Nations representatives urged that advertising not associate alcohol with fun and good times.

Recommendation 7:

The Yukon Liquor Act should direct profits of the Yukon Liquor Corporation either wholly, or in significant part, toward Yukon Government approved “socially responsible” alcohol education and/or treatment programs.

Throughout the Review and at every public meeting, there were inquiries as to where YLC revenues were directed. With the exception of the BCYHA, everyone seemed uncomfortable with the government operating a “nice, money-maker” on the one hand and picking up a substantially larger tab for the resulting problems. While almost all accepted the reality—if not the desirability of alcohol consumption—most felt that the YLC profits should be seen (i.e. “earmarked”) to contribute towards education and awareness programs, and perhaps treatment programs as well.

Opinions varied as to the proportion of revenues the YLC should contribute—some thought all, while most said only part but were unsure of the proportion. Fetal Alcohol Syndrome Society Yukon (FASSY) wanted half of the money directed solely toward the prevention, support and care of individuals and families living with alcohol related birth defects.

Some members of the public and First Nation organizations requested that all alcohol products carry more conspicuous warning labels than is currently the case, and spoke of the need for posters in bars warning people of the dangers of consumption (for pregnant women) and over-consumption. Most who addressed this topic thought that the messages in educational advertising should be targeting youth and presenting material in a visually graphic, horrific manner.

Minors and Alcohol

Recommendation 8:

The Yukon Liquor Act should maintain the legal age for buying and consuming liquor in the Yukon at 19 years of age.

Changing the drinking age was not a significant issue at public or stakeholder meetings, although a few people were curious as to how the Yukon Government came up with this “magical age” dissimilar to Alberta and Alaska. However, the topic was raised in the questionnaire, and a majority of respondents said the age should stay the same.

Recommendation 9:

The Yukon Government should produce a multi-purpose identification card system of high quality and integrity.

Demand for a foolproof identification card (ID) came from licensees, servers and a youth group. Currently the Yukon Driver’s Licence is the most commonly used form of ID. Recently announced initiatives by the federal government to produce a fool-proof card for immigrants may provide the Yukon Government an opportunity to access the best technology (and funding) for this.

*“The Yukon Driver’s
Licence is unacceptably
shoddy and easy to falsify.”*
Whitehorse youth

The Committee recommends the Yukon Government investigate the ID systems other jurisdictions are using and also explore the feasibility of issuing a multi-purpose identification card through a central agency such as the Motor Vehicles Branch or Health Services Branch.

Recommendation 10:

The Committee recommends the Yukon Liquor Act permit underage entertainers to perform in bars under special circumstances. When strict guidelines are observed, youth should be allowed to perform as entertainers. The Yukon Government should examine how the Liquor Act & Regulations regarding underage entertainers in licensed establishments is applied in British Columbia and Alberta.

The subject of minors performing in bars was raised in the questionnaire but was barely an issue during public meetings. Most respondents to the questionnaire seemed outraged at the prospect of youth in bars for any reason. Their objections included potential exposure to bad (sexual) influences, second hand smoke and a need for the law to universally apply without exception.

The questionnaire did not ask about exceptional circumstances, such as a jazz quartet with one person who is 18 years of age. Nevertheless, although not asked about this and similar situations, a substantial number of respondents (including the BCYHA), expressed the view that youth 16 - 18 years of age should be allowed to entertain if chaperoned, not served alcohol, and present for their entertainment portion only. The ability of youth to perform in these venues was considered an essential professional growth opportunity. The Committee suggests the Yukon Government look at the relevant section in *A Guide for Liquor Licences in British Columbia* (page 10), as it seems to deal with this issue in a manner acceptable to Yukoners. Refer to Appendix.

Recommendation 11:

Under strictly controlled conditions, the Yukon Liquor Act should allow minors under the direct supervision of an adult to deliver food to patrons in establishments serving primarily alcohol, and also allow minors to deliver alcoholic beverages in an establishment serving primarily food.

Lodge and small restaurant operators in rural Yukon, who hired wait-staff under age 19, found it impractical and unaffordable to hire an adult staff person for tasks such as carrying a glass of wine from the bar to a dining table. Generally these staff were local high school students or the proprietor's son or daughter. Those expressing concerns emphasized that the youth were not permitted to pour the drink, only serve it.

Recommendation 12:

The Yukon Liquor Act should state that minors are not permitted to sell alcohol at off-sales establishments.

In view of the recommendation to allow for grocery stores and RV Parks (under certain conditions) to sell alcohol, the Committee considers it imperative that the Act state minors cannot sell alcohol at off-sales. Currently it is implied in the Act, but not specifically stated.

Public Drinking & Intoxication

Recommendation 13:

The Yukon Liquor Act should extend the ability of municipal by-law officers and First Nation government’s enforcement persons to issue fines and penalties for public drinking and public intoxication.

The Committee heard from many communities that public drinking problems would be reduced if there were additional law enforcement officials to enforce the Act. If a community’s one or two RCMP officers were away or over-extended, then could not other enforcement officers such as municipal by-law officers and First Nation officers, help ensure that public drinking is curtailed? Adequate training must be provided to these municipal and First Nation officers if they are to enforce the Liquor Act.

Recommendation 14:

The Yukon Government must work with the City of Whitehorse, other municipalities and First Nations to resolve the problem of loitering, panhandling and related activities.

Issues involving intoxicated persons in public places, loitering and panhandling were considered interrelated. These activities were considered at best to be unpleasant, and at worst, exasperating and adversely affecting business. This was a problem identified in many Yukon communities, not just in Whitehorse.

Yukoners clearly indicated that they want intoxicated persons and panhandlers off the streets and riverbanks. Their reasons included concerns that intoxicated adults were poor role models for children, that they intimidated people, and disturbed the peace at night. This is particularly so in the vicinity of Second Avenue area in downtown Whitehorse. Carcross residents expressed annoyance regarding intoxicated youth congregating downtown and making noise throughout the night. We heard concerns regarding the difficulty of driving safely when drunks stumbled around the Whitehorse Liquor Store and across Second Avenue. It was pointed out many times that these issues do not have to wait for a new Liquor Act to be addressed.

“It’s hard to keep long term guests when there is all that noise outside.”
Hotel operator

Panhandling outside the Government Liquor Store in Whitehorse was not only of specific concern to Whitehorse residents, but also to people from rural communities who came to shop in Whitehorse. Some people attributed the problem to the location of the store and thought it could be resolved by moving the store from the immediate downtown area to the industrial area. Others thought the problems would just move with the store.

*“It’s embarrassing to have
stumbling bumbling
drunks greeting
Yukon visitors.”*
Questionnaire

Recommendation 15:

The Yukon Government should resolve jurisdictional problems regarding waterfront lands, thereby enabling enforcement of public drinking bans.

Enforcement on waterfront lands is hampered because jurisdictional authority over these lands is unresolved. For example, The Village of Mayo, supported by N’acho N’yak Dun First Nation and the RCMP, has for many years requested the Yukon Government resolve these issues. To date they have not received a response. Local residents and tourists continue to experience the nuisances arising from drinking on the riverbanks. Again, this urgent issue is independent of a Liquor Act and does not need to wait.

Recommendation 16:

The Yukon Liquor Act should clearly define the terms “intoxicated” and “appeared to be intoxicated.” The Yukon Government should also examine the value and feasibility of adopting the Intoxicated Persons Detention Act in use in other Canadian jurisdictions.

RCMP, licensees and members of the public have an understanding of the terms “intoxicated” and “appears to be intoxicated” which differs widely from that of the Yukon judicial system. These terms need to be clearly defined and universally agreed upon.

Although there was a call for greater enforcement of the laws and regulations regarding public drinking and intoxication, the RCMP said it was difficult to implement. RCMP and some licensees reported that there is a wide gulf between what servers, patrons and the RCMP consider intoxication and what the courts consider “drunk”.

Individual RCMP participating at public meetings recommended the Yukon Government adopt the Intoxicated Persons Detention Act (IPDA). The IPDA provides a “catch-all” for providing powers of arrest of intoxicated persons and the committee understands that this has been widely adopted in other jurisdictions.

Recommendation 17:

The Yukon Liquor Act should be changed to allow RCMP to take intoxicated persons into custody for 24 hours.

The current law allows the RCMP to arrest an intoxicated person for only 12 hours, and this was considered a problem by many people. RCMP and some members of the public in rural communities said this was insufficient time for an intoxicated person to get sober. Upon release, the person was open to immediate re-arrest.

Licence Holder & Server Training

Recommendation 18:

The Yukon Liquor Act should state that the granting of a liquor licence is contingent upon the licensee and all servers, including those working at off-sales, successfully completing the *Be A Responsible Server* (B.A.R.S.) training. Out-of-territory certification will be accepted for those working in the Yukon on a short-term, temporary basis only.

Throughout the review process and in every community, the Committee heard that *Be A Responsible Server* (B.A.R.S.) training should be compulsory for all those serving alcohol, including at off-sales.

Servers said they did not want to be held responsible for over-service. It is difficult to judge, with total reliability when a person is intoxicated, or nearly intoxicated.

Servers don't always know whether or not a patron was drinking elsewhere before they came to their bar. Servers said they are sometimes pressured by bar owners to serve more than they should. Typically servers earn a low wage and consider the fine for over-service very punitive and unfair.

“If patrons know the server has taken the B.A.R.S. course it implies the server knows the rules and there is less room for argument.”

Bartender

Recommendation 19:

The Yukon Liquor Act should require the delivery of the B.A.R.S. program in a readily accessible mode, on demand, and with the training costs assumed by the Yukon Liquor Corporation.

Costs and availability of B.A.R.S. training was of great concern to those in the hospitality industry, particularly those outside Whitehorse. Licensees sometimes have to hire on short notice, and they felt it was unreasonable to expect trade to be curtailed until the YLC was ready to offer the B.A.R.S. course. Solutions included offering the B.A.R.S. course on demand and in multi-media mode via the local RCMP, Territorial Agent, or Health Centre. This is one instance where the YLC profits could be shown to go directly towards socially responsible efforts.

“I want my staff to have B.A.R.S. training but with a small staff and high turnover how can I afford to send everyone to Whitehorse? I would like to see a portable training program.”

Rural licensee

Recommendation 20:

The Yukon Liquor Corporation should work with the hospitality industry, the RCMP, health professionals and other relevant authorities and non-government agencies to develop and deliver a comprehensive, quality B.A.R.S. training program. The program should be reviewed and evaluated on an ongoing basis for relevancy, comprehensiveness and timeliness of delivery.

When recommending mandatory B.A.R.S. training, many in the industry demanded that the training be relevant and that the accompanying documentation be useful and comprehensible.

Recommendation 21:

The Yukon Liquor Act should state that the granting of a licence for a non-profit or special event is contingent upon at least one person, who is present at the event and in a supervisory capacity, successfully completing B.A.R.S. training.

Generally, members of the public involved in organizing fundraising and special events thought that B.A.R.S. training would be very helpful. Some said they were grateful when trained bar staff volunteered to help at a special event because they knew how to deal with potential overservice.

Responsible Service

Recommendation 22:

The Yukon Liquor Act should reflect the view that adults are responsible for their behaviour and actions. The Act cannot—and should not—try to control everyone’s actions.

Overwhelmingly and quite forcefully the vast majority of Yukoners said that adults should take responsibility for their personal behaviour and actions. In terms of alcohol consumption, adults are expected not to drink to the extent that they are a danger to themselves or to others.

*“Write into the Act that it is
the responsibility of the
consumer to exert self-control.”*

Dawson City public meeting

This belief was particularly evident in responses to the questionnaire item, “Should bar owners provide intoxicated person a safe ride home?” Some thought it was a useful and desirable service, but by far the majority considered that it should not be obligatory or legislated. Comments included: “All responsibility should be with the person who drinks,” “If you plan to go out drinking, then you are capable of planning how to get home safely,” and “Bar owners are not babysitters.”

Recommendation 23:

The Yukon Liquor Act should provide the right for a licensee and/or a server to refuse service of alcohol to a pregnant woman, just as they can refuse service to an intoxicated or belligerent patron.

The Committee found this to be a very complex, sensitive and controversial issue. Alcohol is believed to be most harmful to a fetus in the first trimester, when a pregnancy is not usually visible. The committee has no recommendation about how to address the issue of determining if a bar patron is pregnant.

Servers said that if this right to refuse service was stated in the Liquor Act and could be posted prominently bars, it would help them in situations where bar owners and/or patrons insisted they serve pregnant women alcohol. FASSY recommended that servers should have the right to refuse service to a pregnant patron and that it be stated specifically in the Liquor Act. The First Nation Health Commission recommended this right of refusal extend to off-sales as well.

Recommendation 24:

The Yukon Liquor Act should state that bar “tabs” should be paid by closing time of the day in which the expense was incurred. It should be an offence for the licensee to carry a bar tab over to the next day.

The Committee heard of instances where bar owners permitted, and even encouraged, patrons to run up tabs over a period of weeks. Entire welfare or pay cheques were turned over in payment. As those who used this option were mostly “problem drinkers” they were prone to forgetting how much they drank and were vulnerable to overcharging.

Licence Types and Conditions

Recommendation 25:

The Yukon Liquor Act should modernize, streamline and reduce the number of types of liquor licence classifications. These classifications should allow for a diversity of licensed establishments such as food primary, liquor primary, wine & beer stores, beer gardens, farm wineries, neighbourhood pubs, bed & breakfast operations and off-sales at RV Parks.

Licensees, volunteer organizations, YLC Board members and the general public considered the sheer number and classification of licence types confusing, unnecessary and antiquated. For example, distinctions between “dining rooms” and “restaurants”, and “cocktail lounges” and “taverns” did not make a great deal of sense.

“There is a sorry lack of neighbourhood pubs—a nice place to go for a quiet drink and a chat.”

Questionnaire

The classifications (and conditions of the licences) were generally not conducive to the introduction of new types of businesses, such as farm wineries, and to the needs of Yukoners. While the Committee heard recommendations for more flexibility and clarity in licensing, it did not mean abandonment of social responsibility and the licence application process. The process allows members of community and stakeholder groups to raise objections or propose qualifications. For example, we heard that if alcohol was to be sold in grocery stores, then it should be in a restricted and closely supervised area. Participants said RV park convenience stores were not to become places for loitering and solicitation by youths, nor B&Bs turned into neighbourhood pubs.

Neighbourhood Pubs

On questionnaires and in public meetings, a large majority of Yukoners wanted to eliminate the room requirement for licensed establishments, which would allow for the introduction of neighbourhood pubs. Some said the room requirement was puzzling, if not absurd. As many commented, were not the Kopper King and The Capital operating as if a neighbourhood pub? The Committee heard that family-style or neighbourhood pubs (and beer gardens) were environments where alcohol use was more “normalized”.

“If the logic of the last century no longer applies regarding the room requirement, then get rid of it!”

Whitehorse Public Meeting

One group objected strongly to the removal of the room requirement. BCYHA members stated that the impact would be “unfair and crippling,” forcing closure of some hotels. However, the Committee heard representation from prospective neighbourhood pub operators stating, “a good hotel will survive and not need the Liquor Act to protect it.” The Committee is sensitive to the economic and financial argument presented by hotels, but times have changed and the public clearly articulated what they want.

RV Parks and other establishments

RV park owners wanted provisions in the Act enabling them to sell wine, beer or cider to registered visitors. The committee agrees with this concept and recommends that RV parks be permitted to sell to registered guests only. Restaurateurs wanted to include deck and patio areas into their licensed areas. Bed & breakfasts want to be able to serve alcohol to their guests. Some urban Yukoners said they wanted to be

“Why force people into a smoky bar to drink if they prefer to go out on the deck and look at the mountains?”

Rural Licensee

able to pick up a bottle of wine when buying groceries from a convenience store and others found the concept of a specialty wine and beer store appealing.

Liquor licence types and conditions need to reflect the changing times, rather than prevent change or be open to wide interpretation. The Committee urges the Yukon Government to find out which jurisdictions in Canada have succeeded at enacting simple, modern yet strict legislation, and adapt it to meet Yukon's needs rather than tinkering with our outmoded legislation.

Recommendation 26:

The Liquor Act should allow for a licence category for seasonal operations that is automatically renewed annually.

Many establishments, particularly in smaller Yukon communities, operate on a seasonal basis. RV parks, bed & breakfasts, small hotels, lodges and outfitters are examples of businesses that depend on a short successful tourist season for their annual revenues and close for the winter. They felt it was unfair that they should pay for and carry a licence for a full year when they were only in operation for several months.

Recommendation 27:

The Yukon Liquor Act should clarify ownership and responsibility of the licence.

The Committee heard from the YLC Board that the Act was unclear as to who was responsible in situations where off-sales and the primary establishment had different owner/operators. In addition, the Act and the Regulations conflicted regarding licence renewals, lease holder and manager relationships. The Act needs to address whether or not a licence transfers with the business when ownership changes.

Recommendation 28:

The Yukon Liquor Act should allow for a single, annual licence for multi-use, public recreation facilities.

Mount McIntyre Recreation Facility representatives brought to the attention of the Committee how the complex licensing system frustrates the operations of public facilities. Currently, a facility like Mount McIntyre may have to hold multiple licences at the same time and each with differing requirements. The Committee recommends the YLC investigate the feasibility of implementing a one-licence system, such as in Ontario.

*“Bring the Act into the
21st century.”*
Questionnaire

Recommendation 29:

The Committee recommends that the Yukon Government consider a more flexible, common sense approach to licensing for clubs (e.g. golf).

We heard submissions from several groups recommending clearer definitions and a more reasonable approach regarding clubs. For example, a strong recommendation came from golfers who felt that non-members of a club should be able to purchase a drink while waiting for a friend or family member to finish a round of golf.

*“Sports and recreation
facilities are primarily for
non-drinking activities.
Have some faith that
owners will operate the place
responsibly.”*
Club Licensee

The Committee suggests that Yukon Government looks at private clubs and their memberships, and clarify the liquor licensing regulations that apply. While more flexibility for golf clubs, fitness clubs, bowling alleys and other clubs is desired, the Committee is concerned that clubs not turn into neighbourhood pubs.

Recommendation 30:

The Yukon Government and Yukon Liquor Act should neither license “U-Brews” nor tax “U-Brew” products.

It was the majority view that U-Brews should not be licensed under the Liquor Act nor should U-Brew products be taxed.

Recommendation 31:

The Yukon Liquor Act should allow for “U-Brew” products to be provided at private events under special licence.

The Committee heard representations that U-Brew products should be allowed to be provided at private events, such as weddings or anniversary celebrations, held outside the family home in a licensed facility.

Recommendation 32:

The Yukon Liquor Corporation should develop in full consultation with the public and user groups, conditions to govern special event permitting.

The response from the questionnaire and hearings was somewhat mixed. There are numerous types of public events, and the committee feels the legislation should be developed to accommodate this range of needs. A blanket policy for Special Events and Occasions won't work—participants felt it was not “black and white.”

The Committee urges that this type of licensing should be in the context of responsible use. This reflects the majority view that Yukoners should not be overly restricted due to a problematic minority. Criteria or guidelines relating to private family events, minors, festivals etc. should be established in full consultation with user groups and the public.

The Committee heard strong recommendations that not-for-profit organizations should have the same “socially responsible” conditions applied as for-profit organizations and businesses when operating an event involving alcohol.

Recommendation 33:

The Yukon Liquor Act should ensure that the Corporation has uncontestable legal authority to apply conditions on special event permits.

In permitting special events, the YLC will apply criteria established in partnership with user groups and the public. The Corporation should retain the ultimate legal authority in applying these conditions.

Off-sales Hours

Recommendation 34:

The Yukon Liquor Act should reduce off-sales hours to a Yukon-wide standard of a maximum of 11 hours a day between 9:00 a.m. and 10:00 p.m.

The Committee heard very strong recommendations from members of the public, health representatives and the RCMP to reduce the hours of off-sales operations. It was the overwhelming view that those who purchase alcohol from off-sales late at night or early in the morning have one intention, and that is to get drunk, or maintain drunkenness until the bars open the next day. Consequently, these drinkers pose a potential danger to themselves, their families and other community members.

RCMP stated that when bars close, groups of individuals emerge, make purchases at off-sales, congregate, have physical altercations, and make noise.

Vandalism increases, as do other “incidents”. Teens hang around off-sales late at night, get an adult to purchase for them and are consequently exposed to associated dangers.

*“Off-sales currently allows
continuous drinking”*
Beaver Creek Public Meeting

The Committee heard from the RCMP that off-sales closing time varies throughout Canada, but it is usually before midnight. Their recommendation was to close at 10:00 p.m., the same time as in the Northwest Territories and Nunavut. Some people in rural communities requested a standard cut-off time so people don’t drive to a community where an off-sales outlet is open.

The BCYHA conceded to some reduction in hours, stating that “curtailment of off-sales will reflect a direct loss of potential revenue to an industry already staggered by the poor economic outlook of the Yukon.” Some licensees in rural areas said that the “sale of alcohol keeps me going through the winter,” and many people cannot afford to drink in a bar but prefer to purchase from off-sales and drink at home. Others said that they needed to be open at 7 a.m. for shift workers and that curtailment would increase bootlegging.

The RCMP responded that “it makes social sense” to curtail off-sale hours. The majority of the public felt that a significant reduction in off-sale hours would do more than anything else in curbing alcohol related problems. The Committee supports this concept.

Penalties and Enforcement

Recommendation 35:

The Yukon Liquor Act should significantly raise all fines and penalties, particularly those for selling and/or supplying alcohol to minors, bootlegging and the use of a forged identification card.

Fines and penalties in the Summary Convictions Act were considered absurdly low, “a joke,” and not reflecting the seriousness of alcohol related offenses. For example, selling cigarettes to minors carries a far higher fine than that for providing alcohol. A recurring theme was “if it doesn’t hurt, it is not a deterrent.”

“There’s a need for standards—penalties should not be at the discretion of judges.”

Mayo Public Meeting

By how much should fines and penalties be increased? Apart from the very few who thought, “it won’t solve the problem as people don’t have the money to pay the fines,” recommendations ranged from \$500 to \$10,000 or more, depending upon the offense. For some crimes, a jail term should be served. There appeared to be consensus that fines and penalties should be at levels similar to those given to major drug dealers, people who drive impaired, and to those who sell cigarettes to minors. It was apparent that some crimes were considered more serious than others, so “we need a bigger range to fit the circumstances.”

Supplying alcohol to minors

Many Yukoners felt that significant fines should be levied for supplying alcohol to minors. Many people advocated a substance-free environment for minors, and felt that penalties for breaking the related laws should be substantial.

Bootlegging

Bootlegging activities posed special challenges. RCMP said that the resources required for investigating and prosecuting were extremely high for an offense that carried a very low fine. The task is frustrated by the unwillingness of community members to file a complaint. “Everyone knows” who is bootlegging, but no one wants to take action for fear of reprisal. Even if charges are laid, the bootlegger pays the low fine and within a very short time is back in business. RCMP recommended, as did members of the public, a

“In NWT, if you are selling too much or bootlegging you lose your residency or can’t live in public housing”

RCMP

substantial increase in fines, possibly jail time, and urged that the Act allow for the impoundment of a bootlegger's vehicle(s), use of the Income Tax Act to collect fines and/or denial of access to public housing. The RCMP further recommended an increase of their powers of search and seizure.

People were concerned about large volume purchases of certain types of alcohol (e.g. vodka and rye) which were then taken to the communities and “bootlegged” or sold to minors. Residents of Carmacks and Pelly Crossing were particularly concerned. From members of the public and some RCMP we heard recommendations for the introduction of an electronic tracking system to record the type of alcohol, the amount and frequency purchased by an individual customer. This information, accessible by the RCMP, would serve to alert them of potential trafficking situations. The committee is concerned about privacy issues, but feels that the new Act might consider a mechanism to track large purchases of alcohol by individuals.

Youth with False ID

The Committee heard opinions and recommendations regarding other aspects of this topic, such as whom should incur the fine and penalty for using false ID. It was generally thought responsibility rests with the bearer of the ID, rather than with the server or licensee. As foolproof ID is becoming increasingly important for travel and security reasons—and technology enables the production of good identification—there may be an opportunity for the Yukon Government to introduce more sophisticated Yukon ID that would also help prevent ID fraud by minors.

“The bearer of the false ID should be charged, as they knowingly set out to commit a crime.”

Whitehorse youth

Recommendation 36:

The Yukon Liquor Act should require heavy penalties for the over-service of alcohol.

The committee recommends heavy penalties for over-service; however, heavy penalties should not be imposed without very clear guidelines and a comprehensive training program for bars and servers. While the majority of Yukoners thought drinkers should be mindful of how much they were consuming and not get drunk, many wondered, “Why are drunk people being served alcohol in the first place?”

Recommendation 37:

The Yukon Liquor Act should ensure increased monitoring and enforcement of laws and regulations pertaining to over-service, including over-service at off-sales.

Notwithstanding difficulties in determining levels of intoxication, many said the necessary laws were in place. These laws were not being sufficiently enforced. Servers and members of the public expressed concerns about abuses, and the challenges associated with dealing with aggressive customers. These challenges include threats of violence, particularly at off-sales outlets late at night. Bar owners and servers alike asked that the RCMP and Liquor Inspectors walk through premises more frequently. “Walk-throughs” help everyone.

“Last call” multiple drink ordering at bars and special events posed unique problems for the server and sometimes even the customer. How was the server to know whether or not a tray of drinks would be shared and not just consumed by one or two people? How does one avoid the social pressure of not buying a round when one thinks it will put everyone “over the edge”? No one appeared to have a solution for this problem. The Committee suggests that public education and awareness may resolve this issue.

Recommendation 38:

The Yukon Liquor Act should require swift collection of fines and link non-payment to driver’s licence renewal and/or deal with non-payment under the Income tax Act and/or other ensured means.

The RCMP brought to the attention of the Committee that there was no mechanism whatsoever to ensure collection of fines, nor a mechanism in place to track repeat offences. Some offenders have thousands of dollars in unpaid fines.

Barring Entry

Recommendation 39:

The Yukon Liquor Corporation should work with the hospitality industry and the RCMP to develop a set of standards, processes and guidelines regarding barring patrons with the aim of ensuring consistent application throughout the Yukon Territory.

The Committee heard that there are inconsistencies in applying the patron barring ban, as well as inconsistencies in the process and the duration of bans. It was reported that the system worked well in Dawson City; perhaps in part because lists of barred patrons were circulated between bar owners and the RCMP.

Inspectors & Inspections

Recommendation 40:

The Yukon Liquor Act should provide for more frequent and ad hoc inspections of licensed premises, including off-sales.

The Committee heard many requests for more frequent inspections and enforcement. The public in rural Yukon said they rarely saw an inspector and considered this poor practice. Whitehorse and rural residents complained about blatant drug trafficking in certain Whitehorse bars, “and no one was doing anything about it.”

We heard complaints that inspectors were insufficiently trained and lacked practical working knowledge of the industry they were inspecting. Rural licensees and some First Nations remarked that everyone knew when the inspector was coming. Inspectors booked a hotel room in advance; word spread and bar owners with poor practices “cleaned up their act.” We also heard the suggestion that inspectors write up and submit both good and bad reports—currently the RCMP are only sent bad reports, and though it may be the licensee’s first negative report it’s all the RCMP know about the establishment.

“We’ve never had a liquor inspector visit the RCMP office in this community. It’s helpful for us to know if they’re in town, and makes sense as we can provide backup if required.”

RCMP

Suspensions

Recommendation 41:

The Yukon Liquor Act should require Yukon Liquor Corporation Inspectors to notify licensees immediately that their licence is being reviewed and provide the reason(s).

Some licensees said they were, on occasion, informed of a suspension months after the (alleged) infraction. By this time, it was difficult to gather witnesses, and sometimes impossible to even recall the event.

Recommendation 42:

The Yukon Liquor Act should state that the licensee must have a licence in effect while a suspension is served.

The Committee heard that suspensions should not be at the convenience of the licence holder, for example, when the licensee wished to take a vacation or renovate. The YLC Board said that the practice of licensees not renewing their licences while under suspension should cease. Licensees should not be permitted to negotiate the duration of a suspension nor the time a suspension commences and ends. RCMP wanted the authority to issue on-the-spot 24 hour suspensions. While the Committee appreciates the RCMP recommendation, it has reservations about suspensions without appeal. We recommend the Yukon Government research if such suspension powers exist in other jurisdictions, and if so, the net effect.

Recommendation 43:

The Yukon Liquor Act should require the general public to be informed, in the print media and elsewhere as is reasonable, of a licence suspension including the reason(s) for the suspension.

“Public shame” and “a little embarrassment goes a long way” were the principal reasons why the public wanted to see large ads in the newspapers and prominent signage on the front door of the establishment. The greater majority felt they had a right to know the reason for the suspension.

“I want to know who has offended so I can refrain from entering those establishments.”

Questionnaire

Number of Licensed Establishments

Recommendation 44:

The Yukon Liquor Act should not restrict the number of licensed establishments in an area.

The general public either had no opinion regarding the number of licensed establishments or was of the view that Government control was unwanted interference. Some stated that the economy would determine the viability of a business.

“Let the market prevail.”
Questionnaire

Product Pricing

Recommendation 45:

The Yukon Liquor Corporation should allow licensees to purchase at wholesale prices.

Licensees strongly recommended that they should be able to purchase at a wholesale rate as for any other commodity. As the YLC’s ‘best customers’, licensees argue that they purchase in large volumes and bear warehousing costs associated with bulk purchases of alcohol.

Recommendation 46:

The Yukon Liquor Corporation should continue to determine the off-sale mark-up rate.

Most members of the public thought the YLC should continue to control off-sale mark-up rates. Many thought that a 30% mark-up was too high, while some businesses felt it was not high enough. A small percentage of off-sale licensees would like to charge what the market would bear and also offer “specials”. The Committee felt that the off-sale rate should be based on the retail prices at the Government liquor store.

Recommendation 47:

The Liquor Act should permit the sale of single units of alcohol (e.g. a single bottle of beer or cider).

Some licensees requested that they should be able to sell beer and cider in small quantities—currently retailers must sell alcohol in the volumes they purchase them in. Currently, a consumer who wants to purchase a single unit of beer at an off-sales is forced to purchase a 6-pack or nothing at all.

Yukon Liquor Corporation Administration

Recommendation 48:

The Yukon Liquor Corporation should allow licensees to use a credit card to pay for bulk liquor purchases.

Credit cards are used universally around the world, and the public felt that the YLC should do the same for all its customers.

Recycling

Recommendation 49:

The Yukon Liquor Act should continue to support the various aspects of recycling liquor beverage containers and packages.

There was universal acceptance of recycling efforts.

OTHER CONCERNS

Product Variety & Type

Most Yukoners appeared satisfied with the variety of products available in Yukon liquor stores. The Committee heard recommendations for wine and beer specialty stores, as these would offer more product variety.

In rural areas the issue of “cheap” high alcohol content wines arose. Some thought products, such as “Royal Red” and “Private Stock”, should be removed. Most thought that would not solve the problem, it would just change the choice of alcohol consumed and possibly increase bootlegging. Others noted that cheap alcohol keeps those with substance abuse problems from going to alternatives such as solvents. People in Ross River said that cheap alcohol was not available in their community, so those who wanted it just drove to Faro.

The Committee felt that access to cheap high content alcohol was a serious problem but could not develop a recommendation to address the issue. We suggest that the YLC examine this matter—as a purchasing decision, it is a complicated one.

Store Location & Public Facilities

People in Mayo and Haines Junction voiced concern regarding the Yukon Government Liquor Store sharing a common entrance with Social Services, Alcohol & Drug Services, the Law Court and the Public Library. The Yukon Government should seriously consider this concern, by examining ways of changing existing structures to relocate entrances and in planning future liquor stores and public facilities. The open design of the multiplex in Watson Lake causes, at times, drinking and drunk adults to intermingle with (very young) children.

Privatization

The Committee did not directly ask about the issue of privatization, and it was rarely raised at public meetings. However, a substantial number of Yukoners recommended privatization in the “additional comments” section of the questionnaire. They did so either in the context of the dubious morality of the government selling alcohol or the desirability of grocery store and specialty outlets.

As the Committee has recommended new kinds of licensing (such as beer and wine stores) that could be initiatives of the private sector, the Yukon Government may find the timing opportune for further exploring the issue of privatization.

Many concerns dealt with the morally ambiguous role of the government of selling alcohol on the one hand and then on the other hand paying for the social consequences. We heard comments such as “YTG is not ‘in business’, it’s in Government.” On several occasions, the Committee heard the warning that one day the government will be sued for the illnesses and death caused by the sale of “their” liquor. The Government may want to explore the issue further.

La version française de ce document est disponible sur demande.