

Operational Information for *Licensed Premises*

REVISED 2007



New  Nouveau
Brunswick

PUBLIC SAFETY

Compliance Branch

It's Good Business

Responsible Beverage Service Program

This program is for servers and owner/managers of licensed establishments.

The program enhances profitable business while reducing alcohol-related problems.

Contact: Tourism Industry Association of NB (TIANB)

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(506) 874-4905

www.tianb.com

Introduction

This pamphlet was prepared as an information guide to licensees and their employees.

For complete and exact wording, please refer to the section(s) of the Liquor Control Act and Regulations, which are shown at the end of each paragraph.

Additional pamphlets are available from the following:

Department of Public Safety Compliance and Regulatory Services

Bathurst

P.O. Box 5001
360 St. George St., Suite 200
Bathurst, NB E2A 1B9
Telephone (506) 547-2940

Fredericton

65 Brunswick Street
Victoria Health Centre
P. O. Box 6000
Fredericton, NB, E3B 5H1
Telephone (506) 444-4814

Miramichi

1780 Water Street, Suite 204
P.O. Box 5001
Miramichi, NB E1N 1B6
Telephone (506) 778-6066

Saint John

Provincial Lab. Bldg.
8 Castle St.
P. O. Box 5001
Saint John, NB E2L 4Y9
Telephone (506) 658-3005

Edmundston

Carrefour Assomption
121 Church Street
Edmundston, NB E3V 1J9
Tel. No. (506) 735-2031

Grand Falls

P.O. Box 5001
430 Broadway Blvd.
Grand Falls, NB E3Z 1G1
Telephone (506) 475-4315

Moncton

414 Collishaw St.
P.O. Box 5001
Moncton, NB E1C 3C7
Telephone (506) 856-2958

Campbellton

113 Roseberry Street
Suite 401
Campbellton, NB E3N 2G6
Telephone (506) 789-4962

General information for all licensees about

▪ **Hours of Operation:**

Dining Room, Lounge, Club, Forces Canteen, Wine Serving or Special Facility licensed premises, **where a full meal service is available**, may be open for the sale of liquor seven days a week between the hours of 6:00 am and 2:00 am the following day with a tolerance period of one half-hour after 2:00 am. By 2:30 am all drinks not consumed by patrons are to be removed by staff and all patrons must vacate the premises. Dining Room and Wine Serving licensed premises may stay open after the expiration of the tolerance period for the purpose of serving food only, no liquor.

Regulation 89-151 & Section 2 paragraph (c)(e) (g)
Regulation 84-265, Subsection 20.1(1) (2)

Premises, **not offering a full meal service**, may be open for the sale of liquor seven days a week between the hours of 9:00 am and 2:00 am the following day. Premises are permitted a tolerance period of one half-hour after 2:00 am. By 2:30 am all drinks not consumed by patrons are to be removed by staff and all patrons must vacate the premises.

Regulation 89-151 & Section 2 paragraph (c)
Regulation 84-265, Subsection 20.1(1)

The closing hour may be extended by one hour to 3:00 am on the first day of January (**New Year's Day** morning) with the tolerance period of one half-hour after the closing hour, which would be 3:30 am. By 3:30 am all patrons must vacate the premises.

Regulation 89-151 & Section 2 paragraph (c) (e) (f)
Regulation 84-265, Subsection 20.1(1)

▪ **Premises:**

Premises, including patios, are not to be altered or enlarged without the Minister's authorization.

Section 70(1), Liquor Control Act

To prevent overcrowding, all premises issued a licence or permit must comply with the standards set down by the Office of the Fire Marshal under the *Fire Prevention Act*.

Section 124.2(1)(b), Liquor Control Act

At the poolside area of a licensed establishment, a licensee must serve liquor only in disposable plastic drinking glasses or plastic drinking glasses that can be washed and sterilized.

Regulation 84-265, Section 19(9)

If liquor is displayed, licensee shall display all brands and kinds of liquor on the licensed premises.

Regulation 84-265, Section 19(3)

Licensed establishments do not need to be closed during polling hours of a federal, provincial or municipal election.

Section 251 of "Elections Canada Act"

▪ **Your Licence:**

Licence must be posted in a clearly visible location in the licensed premises.

Regulation 84-265, Section 16

Alcoholic beverages can only be served and consumed in the licensed areas as defined on the licence.

**Sections 89 (1);89.1(2); 91; 99.1; 102 (2); 106;110 (2); 111.1 (2) ,
Liquor Control Act**

▪ **Proof of Age:**

A licensee must request proof of age where a person appears to be under 19 years of age. The valid identification document of the person offering it must provide satisfactory proof that the person is of the full age of 19 years.

Section 131 and 131.2, Liquor Control Act

Persons under the age of 19 are not to have any connection with the giving, serving, selling or supplying of liquor to any person in a licensed premise.

Section 137.1 (1)(2), Liquor Control Act

In any licensed premise, persons under the age of 19 years may consume beer or wine supplied by a parent or spouse for beverage purposes with meals, if it is consumed while in the presence of the parent or spouse.

Section 137(6)(b), Liquor Control Act

Sale of liquor to persons under the age of 19 years is prohibited.

Section 137(1), Liquor Control Act

▪ **Sale of Liquor:**

Liquor is to be dispensed from its original container.

Regulation 84-265, Section 19(1)

Liquor sold is to be measured by means of a glass or approved mechanical measure.

Regulation 84-265, Section 19(2)

All liquor sales are to be transacted in cash or through the use of approved credit card arrangements.

Section 129(1)(2)(3), Liquor Control Act

Sale of liquor to persons under the influence of liquor is prohibited.

Section 138, Liquor Control Act & Regulation 84-265, Section 20

Liquor cannot be sold below the minimum price, as prescribed by regulation.

Section 135.1, Liquor Control Act

Draught Beer

Price / Ounce	\$0.11 / oz
Price / 29.57 ml	\$0.11 / 29.57ml
Average Serving Size	\$0.99 / 9oz / 266ml

Bottled Beer

Price / Ounce	\$0.125 / oz
Price / 29.57ml	\$0.125 / 29.57ml
Average Serving Size	\$1.50 / 12oz / 355ml

Wine

Price / Ounce	\$0.375 / oz
Price / 29.57ml	\$0.375 / 29.57ml
Average Serving Size	\$1.50 / 4oz / 118ml

Spirits/Liqueurs

Price / Ounce	\$1.50 / oz
Price / 29.57ml	\$1.50 / 29.57ml
Average Serving Size	\$1.50 / 1oz / 29.57ml

Regulation 84-265, Section 63.01(1)

Licensees are permitted to offer to a patron, during the daily regulated hours of liquor service, a maximum of one of the following:

- a 12-ounce (355 ml) draft, bottle of beer or cooler
- a 4-ounce (118 ml) glass of wine, or
- a 1-ounce (29.57 ml) of spirit or liqueur

***Section 42.1(1), Liquor Control Act
Regulation 84-265, Section 63.02***

The licensee is not permitted to use this privilege for promotional purposes. This offer can only be used as a courtesy drink, not an inducement.

Policy

Liquor on premises can only be that purchased from Alcool New Brunswick Liquor by written order of licensee or person in charge on the forms supplied by the Minister or the Corporation.

Regulation 84-265, Section 17

Wine may be served in original container if opened in the presence of the patron.

***Subsection 41(5.1), Liquor Control Act
Regulation 84-265, Section 19(7)***

Spirits may be served in original container, if it is not larger than 50 ml and the seal is broken in the presence of the patron.

Regulation 84-265, Section 19(8)

Responsibilities of Licensees:

Prohibitions and responsibilities of licensees stated in the *Liquor Control Act & Regulations* also apply to the person in charge or any employees or person acting on behalf of the licensee.

Regulation 84-265, Section 21

A licensee shall keep books and records indicating the monthly purchases of liquor. Monthly sales of food and liquor are to be recorded separately.

Regulation 84-265, Section 12(1) & 12(2)

A licensee can sell all kinds of liquor, bottled beer, draught, and wine purchased on their licence from Alcool New Brunswick Liquor, to persons 19 years of age and over.

Section 91, Liquor Control Act

Licensees and employees shall permit Compliance Inspectors entry to licensed premises at any time to inspect, search and copy or check records.

Regulation 84-265, Section 13

Licensees or employees cannot consume alcohol while on duty.

Regulation 84-265, Section 24

A licensee shall not permit disorderly, boisterous or intoxicated person to be in, or upon, the premises.

Regulation 84-265, Section 20, Subsection 136(2), Liquor Control Act

A licensee cannot permit liquor sold to be taken from the premises.

Regulation 84-265, Subsection 23(2)

Except as authorized by the *Act* or Regulation, no person shall take liquor into or out of any licensed premises.

Regulation 84-265, Subsection 23(3)

A licensee shall be in personal charge of the premises or have a designated person in charge.

Regulation 84-265, Subsection 15(1)

A licensee must submit to the Minister the name of the person to be in charge and other information that may be required and obtain approval for such person to be in charge.

Regulation 84-265, Section 15(2)

A licensee cannot sublet or permit services to be in control or conducted by another person without authorization by the Minister.

Regulation 84-265, Section 22

Premises licensed under the *Liquor Control Act* must be compliant with the *Smoke-free Places Act*.

Section 72.1(1), Liquor Control Act

▪ ***Closure of Licensed Premises:***

A licensee must notify regional Compliance Inspectors upon closure of a licensed premise to make arrangements for the disposal of liquor.

Policy

Dining Room Licence

A dining room licensee shall make the purveyance of food the primary business and source of revenue.

Section 88.1(3), Liquor Control Act

A dining room licensee may designate an area, which can accommodate not more than 15 persons at any one time, as a waiting area.

Section 89(4), Liquor Control Act.

A licensee is authorized to sell liquor for consumption together with meals by persons 19 years of age or over.

Section 89(1), Liquor Control Act

A dining room licensee may refuse to serve liquor to a patron who has not ordered a meal.

Regulation 84-265, Section 32 (2)

No person shall be served liquor or be permitted to consume liquor in a dining room unless the person is seated.

Regulation 84-265, Section 33(1) (2)

Lounge Licence

No persons under 19 years shall enter, be in, or remain in a lounge unless accompanied by parent or spouse except when a licensee permits a person under 19 years to be on the premises as an employee.

Sections 126(2); 126.1, Liquor Control Act

Entertainment Licence

An Entertainment licence is required when live entertainment is provided.

Section 63.01(1), Liquor Control Act

Licensees providing exotic entertainment shall adhere to restrictions, which shall be conditions, attached to their licence.

Section 63.01 (5), Liquor Control Act

Performers of exotic entertainment must be nineteen (19) years of age or older.

Section 63.01(5), Liquor Control Act

Wine Serving Licence

A wine serving licence will only be issued to a person who holds no other licence under the *Liquor Control Act* and who offers a public food service or is in the business of providing overnight accommodation.

Section 89.1, Liquor Control Act

A person of 19 years of age or older may bring a bottle or package of wine into a Wine Serving Establishment to consume with a meal where the amount of wine does not exceed 750 ml per person

Section 41(5.1), Liquor Control Act

The wine must have been purchased lawfully.

Section 41(5.1) (a), Liquor Control Act

A wine-serving licensee cannot serve homemade wine.

Section 41(5.1) (b), Liquor Control Act

Club Licence

Club must maintain membership list with names and addresses within the premises.

Regulation 84-265, Section 46(1)

Guest register must be maintained in premises on which is shown name & address of every person, other than a member, admitted to or upon its licensed premises as a guest of a member, and the name of the host member.

Regulation 84-265, Section 46(2)

When hosting a group of persons for a club activity or a private function approved by the executive, the names of the persons in the group can be recorded separately from the guest register but be posted in or kept in close proximity to the guest register.

Regulation 84-265, Section 46(3)

Only club members and registered guests can consume liquor.

Regulation 84-265, Section 46(4)

List of club members with addresses must be submitted with application for renewal.

Regulation 84-265, Section 47

List of available guides and notices

The following guides and notices are available on request from the address provided below. Be sure to include your full name and address and to request the guides and notices by name and number.

TIANB	It's Good Business: Responsible Beverage Service
LIN 0500	Information on Advertising under the <i>Liquor Control Act</i>
LIN 0501	Information on Wine Serving Licence
LIN 0502	Information on Extensions to Licensed Premises Under the <i>Liquor Control Act</i>
LIN 0503	Information for Liquor Licensees pertaining to the Minimum Retail Selling Price for Liquor Products
LIN 0504	Keg Beer
LIN 0505	Information on Supply of Equipment, Materials & Products under the <i>Liquor Control Act</i>
LIN 0506	Information on Off-Licence Purchases under the <i>Liquor Control Act</i>
LIN 0507	Application and Information Guide for Licences issued under the <i>Liquor Control Act</i>
LIN 0508	Restricted Beverages
LIN 0509	Special Occasion Conditions
LIN 0510	Special Occasion Charitable
LIN 0511	Special Occasion Trade Show
LIN 0512	Special Events
LIN 0513	Manufacturers
LIN 0514	Conditions to Entertainment Licences (Exotic)

To obtain copies please contact:
Department of Public Safety
Safety Services Division,
Compliance and Regulatory Services
P.O. Box 6000
Fredericton, NB
E3B 5H1

Telephone & Fax Numbers:

1-506-453-7472

1-506-453-3044 (Fax)

OR

Internet address: <http://www.gnb.ca/0276/liquor/index-e.asp>