
THE LIQUOR, GAMING AND CANNABIS CONTROL ACT
(C.C.S.M. c. L153)

Liquor Licensing Regulation

Regulation 61/2014
Registered March 13, 2014

TABLE OF CONTENTS

Section

PART 1 INTERPRETATION

1 Definitions

PART 2 LIQUOR SERVICE LICENCES

2 Maximum capacity of licensed premises

3 Liquor in licensed premises

4 No tampering with liquor

5 Liquor service restrictions

6 Minimum pricing

7 No consumption by staff

8 Liquor service requirements

8.1 Repealed

9 Patrons may bring wine to licensed premises

9.1 Sale of liquor with delivery and takeout food orders

10 Consumption in licensed premises

11 Authorized removal of wine

12 Consumption of liquor at closing time

13 Sampling in licensed premises

14 Repealed

15 Proof of age

16 Minors may provide entertainment in age-restricted premises

17 No drinking games

18 Adult entertainment

19 Posting licence

20	Record of purchases and sales
21	Repealed
22	Protection of personal information
22.1	Availability of food and non-alcoholic beverages
22.2	Vacating licensed premises
23-37	Repealed
38	Definitions re brew pubs
39	Federal licensing requirements
40	Production requirements
41	Sampling
42	Pricing for off-premises sales
43	Off-premises sale requirements

PART 3 RETAIL LICENCES

44	Liquor to be sold in original package
45	Proof of age
46	Repealed
47	Sampling by retail licensees
48	Requirements for retail beer vendor

PART 4 MANUFACTURER'S LICENCES

49	Sales to MLLC authorized
50	Sampling in manufacturer's premises

PART 5 COMING INTO FORCE

51	Coming into force
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PART 1

INTERPRETATION

Definitions

1 The following definitions apply in this regulation.

"Act" means *The Liquor, Gaming and Cannabis Control Act*.

"adult entertainment" means any form of dancing or any exhibition, display or event involving a person who is nude or partially nude for any period of time.

"age-restricted licensed premises" means

(a) premises that are the subject of an age-restricted liquor service licence;
or

(b) premises or portions of premises in which minors are prohibited from entering as the result of a term or condition imposed on the applicable general liquor service licence.

"cider" means an alcoholic beverage obtained by the fermentation of fruit juice.

"cooler" means an alcoholic beverage obtained by combining a wine, beer or spirit base with

(a) fruit juice, vegetable juice or a flavouring preparation; and

(b) water or mineral water.

"licensee" means the holder of a liquor service licence.

"retail licensee" means a person who holds a retail liquor licence.

M.R. 130/2021; 136/2023

PART 2

LIQUOR SERVICE LICENCES

Maximum capacity of licensed premises

2(1) The authority must establish the maximum capacity of licensed premises and may establish the maximum capacity of specified areas of the licensed premises.

2(2) The authority must give the licensee a notice that sets out the maximum capacity of the licensed premises and the licensee must post the notice in a conspicuous place in the premises.

2(3) The licensee must not permit more persons to be present in the licensed premises or a specified area of the licensed premises at any one time than the maximum capacity established by the authority.

M.R. 136/2023

LIQUOR SALES AND SERVICE

Liquor in licensed premises

3(1) A licensee may serve liquor purchased by the holder of a social occasion permit if the social occasion is held in the licensed premises.

3(2) [Repealed] M.R. 136/2023

3(3) A licensee may have complimentary liquor supplied by a liquor manufacturer or liquor distributor in the licensed premises if it is used for sampling purposes as permitted under this regulation.

M.R. 130/2021; 136/2023

No tampering with liquor

4(1) Unless authorized by the authority, a licensee must keep all liquor in the container in which it was purchased until it is dispensed for service to a patron.

4(2) A licensee must not adulterate or dilute liquor that is kept in the licensed premises or keep adulterated or diluted liquor in the licensed premises.

Liquor service restrictions

5(1) Unless authorized by the authority, a licensee must not serve more than

(a) 86 ml of spirits;

(b) 500 ml of wine; or

(c) 1,000 ml of beer, cider or coolers;

to an individual patron in the licensed premises at any one time.

5(2) A licensee may serve more liquor in a single container than set out in subsection (1) if

- (a) the licensee is satisfied that the liquor is to be consumed by more than one person; and
- (b) there is not more liquor in the container for each person who is to consume it than specified in subsection (1).

5(3) Unless authorized by the authority, a licensee must ensure that no patron in the licensed premises is in possession of more than two containers of liquor — whether full or partially full — at any one time.

M.R. 136/2023

Minimum pricing

6(1) Unless authorized by the authority, a licensee must not sell a drink containing the following types and volumes of liquor for less than a total purchase price, including provincial sales tax and federal goods and services tax, of \$2.25:

- (a) 43 ml of spirits;
- (b) 341 ml of beer, cider or coolers;
- (c) 142 ml of wine.

6(2) If a licensee sells a drink containing liquor in a larger or smaller volume than specified in subsection (1), the minimum price of that drink must increase or decrease in direct proportion to the increase or decrease in the volume of liquor contained in that drink.

6(3) Unless authorized by the authority, a licensee must not conduct any promotion or offer that allows a person to consume an unlimited or unspecified amount of liquor for a fixed price.

M.R. 136/2023

No consumption by staff

7 The manager of licensed premises and any person engaged in providing security or in serving liquor in the licensed premises must not consume liquor during the hours when he or she is on duty.

Liquor service requirements

8(1) Unless authorized by the authority, a licensee must not allow any person other than an on-duty employee of the licensee to sell or serve liquor in the licensed premises.

8(2) [Repealed] M.R. 136/2023

8(3) Unless authorized by the authority, a licensee must not allow a server to carry liquor within the licensed premises unless an order has been received for the liquor being carried by the server.

M.R. 136/2023

8.1 [Repealed]

M.R. 161/2015; 136/2023

Patrons may bring wine to licensed premises

9(1) A licensee may allow a patron to bring their own commercially-made wine in an unopened bottle to the licensed premises for consumption in the premises.

9(2) A licensee who allows a patron to bring wine to the licensed premises under this section must ensure that the wine is commercially-made and is in an unopened bottle before serving it to the patron.

9(3) All provisions of the Act and this regulation respecting the service, consumption and handling of liquor in licensed premises apply with necessary changes to wine brought by a patron under this section, as if that wine had been purchased in the licensed premises.

M.R. 136/2023

Sale of liquor with delivery and takeout food orders

9.1(1) Every licensee is authorized to sell beer, wine, cider or coolers for consumption outside the licensed premises with food purchased for delivery or takeout from the licensed premises under section 24.1 of the Act.

9.1(2) All food that is sold with liquor under this section must be prepared in a kitchen located in the licensed premises.

9.1(3) Liquor sold by a licensee under this section

(a) must be available for sale in the licensed premises; and

(b) must be sold at the same price at which it is sold for consumption in the licensed premises.

9.1(4) Liquor sold by a licensee under this section must be sold in its original, sealed container.

9.1(5) Liquor may only be sold by a licensee under this section while the licensed premises are open, unless otherwise authorized by the executive director.

9.1(6) A licensee selling liquor under this section must record the sale of liquor and the accompanying food on an itemized receipt and maintain those records for a two-year period.

9.1(7) A licensee must ensure that all employees of the licensee who deliver liquor sold under this section are 18 years of age or over and have successfully completed a training course specified by the executive director.

9.1(8) A licensee must ensure that all employees of the licensee who deliver liquor sold under this section must not deliver liquor to a minor or a person who is or who appears to be intoxicated.

9.1(9) A licensee must ensure that all employees of the licensee who deliver liquor sold under this section do not deliver liquor to the purchaser more than 30 minutes after the licensed premises are required to be closed under the Act.

M.R. 33/2020; 130/2021; 136/2023

Consumption in licensed premises

10(1) A licensee must ensure that all liquor purchased in the licensed premises is consumed in the premises.

10(2) A licensee must ensure that no patron removes liquor from the licensed premises.

10(3) This section does not apply

(a) to the sale of liquor for consumption outside of the licensed premises that takes place in accordance with section 24.1 of the Act and section 9.1; and

(b) to the removal of liquor from licensed premises that takes place in accordance with subsection 57(3) of the Act and section 11.

M.R. 33/2020

Authorized removal of wine

11 A licensee may allow a patron to remove an unfinished bottle of wine from the licensed premises if the licensee recorks the bottle using a new cork that is fully inserted into the bottle so that the top of the cork is flush with the opening of the bottle.

M.R. 136/2023

Consumption of liquor at closing time

12 A patron may consume liquor in licensed premises for one hour after the time when the sale of liquor in the premises must end.

Sampling in licensed premises

13(1) A liquor manufacturer or an agent, employee or representative of a liquor manufacturer or liquor distributor may provide a complimentary sample of liquor to adult patrons in licensed premises in accordance with the requirements of subsection (2).

13(2) A complimentary sample of liquor must not exceed the following serving sizes:

(a) 15 ml of spirits;

(b) 60 ml of wine;

(c) 120 ml of beer, cider or coolers.

13(3) A liquor manufacturer or distributor or an agent, employee or representative of a liquor manufacturer or liquor distributor may provide a licensee with a complimentary sample of liquor for consumption by the licensee and his or her employees for informational and training purposes, subject to such conditions as may be specified by the authority.

MINORS

14 [Repealed]

M.R. 136/2023

Proof of age

15(1) If a person who appears to be a minor

(a) attempts to enter licensed premises in which minors are prohibited or attempts to enter licensed premises in circumstances that are not permitted under the licence in question; or

(b) attempts to order liquor or is in possession of liquor in licensed premises when not permitted to do so under the Act;

the licensee must require that person to produce one of the authorized types of identification set out in subsection (2).

15(2) A person who is required to produce identification under subsection (1) must produce one of the following types of identification that belongs to the person:

(a) a valid passport;

(b) a valid driver's licence;

(b.1) a valid identification card issued by Manitoba Public Insurance;

(c) a valid Secure Certificate of Indian Status issued by the Government of Canada;

(c.1) a valid NEXUS card;

(c.2) a valid Canadian Armed Forces identification card;

(c.3) a valid possession and acquisition licence issued under the *Firearms Act* (Canada);

(c.4) a valid Manitoba Métis Federation citizenship card;

(d) two valid pieces of government-issued identification, with at least one piece of identification containing a photograph of the person.

15(3) If the person refuses or is unable to produce the required identification, the licensee must

(a) refuse to allow the person to enter the licensed premises or require the person to leave the premises, if his or her presence as a minor in the premises would contravene the Act; or

(b) refuse to serve liquor to the person or, if the person is in possession of liquor, take the liquor away from the person.

15(4) If the person who refuses or is unable to produce the required identification has already been served, the person must, on request, leave the licensed premises.

M.R. 161/2015; 71/2023

Minors may provide entertainment in age-restricted premises

16(1) A minor may provide entertainment in age-restricted licensed premises if they are accompanied by their parent or guardian.

16(2) A minor must not provide entertainment in age-restricted licensed premises at any time when adult entertainment is offered in the premises.

M.R. 136/2023

ENTERTAINMENT

No drinking games

17 A licensee must not allow any game, activity or contest that involves the consumption of liquor to take place in the licensed premises.

Adult entertainment

18 Adult entertainment may take place only in age-restricted licensed premises or in other licensed premises that have been authorized by the executive director.

M.R. 136/2023

MISCELLANEOUS PROVISIONS

Posting licence

19 A licensee must keep the licence for the licensed premises posted in a conspicuous place in the premises.

Record of purchases and sales

20(1) A licensee must maintain records of all liquor purchases and sales on a monthly basis and keep those records for at least two years.

20(2) [Repealed] M.R. 136/2023
M.R. 136/2023

21 [Repealed]
M.R. 136/2023

Protection of personal information

22 If the executive director has imposed a term or condition on a liquor service licence that requires the licensee to use specified security equipment in the licensed premises, such as surveillance cameras or devices that scan or verify identification provided by patrons, the licensee must adopt reasonable administrative, technical and physical safeguards to protect the privacy of patrons and employees, and the licensee must ensure that any personal information about patrons and employees is collected, retained, used, disclosed and ultimately destroyed in accordance with the terms and conditions on the licence.

Availability of food and non-alcoholic beverages

22.1(1) Unless authorized by the authority, a licensee must ensure that there is a variety of food and non-alcoholic beverages available to patrons in the licensed premises at all times that the premises are open.

22.1(2) A licensee may offer food that is prepared outside the licensed premises or prepackaged food that is acceptable to the authority.

M.R. 136/2023

Vacating licensed premises

22.2 The licensee of age-restricted licensed premises other than a casino or gaming centre must ensure that all patrons leave the premises within 60 minutes after the time when liquor sales must end in the licensed premises.

M.R. 136/2023

23 to 37 [Repealed]

M.R. 136/2023

BREW PUBS**Definitions**

38 The following definitions apply in this section and in sections 39 to 43.

"**brew pub operator**" means the holder of a liquor service licence with a brew pub endorsement issued under section 25 of the Act.

"**off-premises sale**" means the sale of beer produced at the subject premises for consumption outside of the subject premises.

"**subject premises**" means the premises that are the subject of the liquor service licence with a brew pub endorsement.

Federal licensing requirements

39 A brew pub operator must be licensed as a brewer by the Government of Canada.

Production requirements

40(1) A brew pub operator must produce beer using equipment that meets the following requirements:

- (a) all brewing equipment must be commercially-manufactured;
- (b) [repealed] M.R. 140/2016;
- (c) proper metering devices must be attached to the brewing equipment that record the amount of beer produced.

40(2) A brew pub operator must ensure that all beer produced at the subject premises

- (a) is produced in accordance with the requirements of the *Food and Drugs Act* (Canada); and
- (b) meets any other quality standards imposed by the authority.

40(3) Unless authorized by the authority, the brew pub operator must not produce more than 2,000 hectolitres of beer at the subject premises in a year.

M.R. 140/2016

Sampling

41(1) A brew pub operator may provide a complimentary sample of beer produced at the subject premises to adult patrons in accordance with subsection (2).

41(2) A patron may be provided with a 120 ml sample of beer produced at the subject premises.

Pricing for off-premises sales

42 A brew pub operator must sell beer for off-premises sale at prices set by MLLC.

Off-premises sale requirements

43 A brew pub operator who conducts off-premises sales from the subject premises must

- (a) make all sales from a location that is immediately adjacent to the entrance to the subject premises; and
- (b) ensure that any person who has purchased beer in an off-premise sale immediately leaves the subject premises with the beer following the purchase.

PART 3

RETAIL LICENCES

GENERAL PROVISIONS RE RETAIL LIQUOR PREMISES

Liquor to be sold in original package

44 Unless authorized by the authority, all liquor sold in retail liquor premises must be sold in the bottle, container or package in which it was contained when it was received from MLLC.

M.R. 130/2021

Proof of age

45(1) If a person who appears to be a minor attempts to purchase liquor from retail liquor premises, the retail licensee must require that person to produce one of the following types of identification that belongs to the person:

- (a) a valid passport;
- (b) a valid driver's licence;
- (b.1) a valid identification card issued by Manitoba Public Insurance;
- (c) a valid Secure Certificate of Indian Status issued by the Government of Canada;
- (c.1) a valid NEXUS card;
- (c.2) a valid Canadian Armed Forces identification card;
- (c.3) a valid possession and acquisition licence issued under the *Firearms Act* (Canada);
- (c.4) a valid Manitoba Métis Federation citizenship card;
- (d) two valid pieces of government-issued identification, with at least one piece of identification containing a photograph of the person.

45(2) If the person is unable to produce the required identification the retail licensee must not sell any liquor to that person and must request that person to leave the premises.

M.R. 161/2015; 130/2021; 71/2023

46 [Repealed]

M.R. 130/2021

Sampling by retail licensees

47(1) An agent, employee or representative of a liquor manufacturer or liquor distributor or an employee of a retail licensee may provide a complimentary sample of liquor to adult patrons.

47(2) A complimentary sample of liquor must not exceed the following serving sizes:

- (a) 15 ml of spirits;
- (b) 60 ml of wine;
- (c) 120 ml of beer, cider or coolers.

47(3) A liquor manufacturer or liquor distributor or an agent, employee or representative of a liquor manufacturer or liquor distributor may provide a retail licensee with a complimentary sample of liquor for consumption by the licensee and his or her employees for informational and training purposes, subject to such conditions as may be specified by the executive director.

M.R. 130/2021; 136/2023

RETAIL BEER VENDORS

Requirements for retail beer vendor

48(1) The executive director may issue a retail beer vendor licence to the operator of a hotel if the associated hotel contains

- (a) at least 40 guest rooms, with each room containing a minimum of 18.6 m² of living space, excluding the bathroom, if the hotel is located in Winnipeg or Brandon;
- (b) at least 20 guest rooms, with each room containing a minimum of 15.3 m² of living space, excluding the bathroom, if the hotel is located in any other municipality with a population of 8,000 or more;
- (c) at least 10 guest rooms, with each room containing a minimum of 15.3 m² of living space, excluding the bathroom, if the hotel is located in a municipality with a population of at least 2,500 but less than 8,000; or
- (d) at least 4 guest rooms, with each room containing a minimum of 15.3 m² of living space, excluding the bathroom, if the hotel is located in a municipality with a population of less than 2,500, or in any part of Manitoba that is not located in a municipality.

48(2) The executive director may reduce the guest room requirements set out in subsection (1) if he or she considers it appropriate.

48(3) For the purpose of clause 38(3)(c) of the Act, the executive director is to take into account the ownership structure and the location, signage and design of the hotel and proposed premises of the retail beer vendor when determining whether a proposed retail beer vendor and a hotel that are not located on the same parcel of land operate as a single establishment.

M.R. 161/2015

PART 4

MANUFACTURER'S LICENCES

Sales to MLLC authorized

49 The holder of a manufacturer's licence is authorized to sell liquor produced at the premises specified in the licence to MLLC.

Sampling in manufacturer's premises

50 Adult visitors to premises that are the subject of a manufacturer's licence may be provided with a complimentary sample of liquor produced by the manufacturer in accordance with the requirements of subsection 47(2).

M.R. 136/2023

PART 5

COMING INTO FORCE

Coming into force

51 This regulation comes into force on the same day that Schedule B of *The Manitoba Liquor and Lotteries Corporation Act and Liquor and Gaming Control Act*, S.M. 2013, c. 51, comes into force.

March 3, 2014

Liquor and Gaming Authority of Manitoba:

Donna Roed
Vice-chairperson