

## TERMS AND CONDITIONS

### Manufacturer's Licence

# Retail Endorsement

Licensees are responsible to comply with all manufacturing terms and conditions; and any terms and conditions specific to the premises.

## 1.0 Definitions

“**Act**” means *The Liquor, Gaming and Cannabis Control Act* and includes regulations made under the Act.

“**executive director**” means the executive director of the Liquor, Gaming and Cannabis Authority of Manitoba.

“**inspector**” means:

- a) an inspector appointed or designated under section 119 or 120 of the Act; and
- b) a member of a police service.

“**intoxication**” for the purposes of the Act, a person is intoxicated if their mental or physical capabilities are significantly affected by liquor, cannabis or other drug, or by any other substance.

“**LGCA**” means the Liquor, Gaming and Cannabis Authority of Manitoba.

“**licensee**” means a person, business entity or association of persons holding a licence issued by the LGCA; in these terms and conditions it means the holder of a manufacturer's licence with a retail endorsement.

“**liquor**” means beer, wine, spirits and any other product intended for human consumption that contains more than 1% alcohol by volume.

“**MLLC**” means the Manitoba Liquor and Lotteries Corporation.

“**person**” includes an organization, association, group or partnership, corporation or any other business model.

“**promotional agreement**” means an agreement between a liquor manufacturer, a liquor distributor, or any of their agents, employees or representatives, and the holder of a liquor service licence or retail liquor licence under which the

holder agrees to sell a specific type, class or brand of liquor.

“**retail liquor premises**” means the premises that are the subject of a retail endorsement granted under section 47 of the Act.

“**sell**” means to supply for any type of consideration, remuneration or benefit, whether direct or indirect, and includes to offer for sale or display for sale.

## 2.0 Retail Endorsement Specific

### 2.1

A retail endorsement authorizes the holder of a manufacturer's licence to sell liquor on a retail basis from the manufacturer's premises. The liquor sold must be produced on the premises and purchased from the MLLC.

### 2.2

The licensee must ensure that liquor is sold in the retail liquor premises in accordance with the Act and that the retail liquor premises is operated in accordance with the Act.

### 2.3

A separate retail endorsement on a manufacturer's licence is required for each location where a person operates a retail liquor premises.

### 2.4

The licensee may operate from a location other than the retail liquor premises for a specified period of time with the prior written authorization of the executive director.

### 2.5

No proprietary rights accrue with the retail endorsement.

### 2.6

The executive director may, by written notice, require the licensee to post public service notices



provided by the LGCA on topics such as responsible liquor consumption, the dangers of drinking and driving or information on human trafficking, domestic violence or other matters of public concern.

#### **2.7**

The licensee must ensure that any person who is involved in the sale of liquor has successfully completed a training course specified by the executive director.

#### **2.8**

The licensee is responsible for the conduct of all employees involved in the sale of liquor.

#### **2.9**

A minor is prohibited from selling or providing a complimentary sample of liquor.

#### **2.10**

A licensee must not give, sell or otherwise supply liquor to a person who is or who appears to be intoxicated.

#### **2.11**

A licensee must not give, sell or otherwise supply liquor to a minor.

#### **2.12**

If a person who appears to be a minor attempts to purchase liquor from the retail liquor premises, the 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;
- c) a valid identification card issued by Manitoba Public Insurance;
- d) a Secure Certificate of Indian Status issued by the Government of Canada;
- e) two valid pieces of government-issued identification, with at least one piece of identification containing a photograph of the person.

#### **2.13**

If the person is unable to produce the required identification, the licensee must not allow the person to purchase the liquor product.

#### **2.14**

Except as permitted by 2.15 and 2.16, a licensee must not allow a person to consume liquor in retail liquor premises.

#### **2.15**

An adult agent, employee or representative of a liquor manufacturer or liquor distributor or an employee of the licensee may provide a complimentary sample of liquor to adults in retail liquor premises.

#### **2.16**

A complimentary sample of liquor must not exceed the following serving sizes:

- a) 15 ml of spirits (0.5 oz.);
- b) 60 ml of wine (2.1 oz.);
- c) 120 ml of beer, cider or coolers (4.2 oz.)

#### **2.17**

The licensee must post signage indicating the type of liquor, the package size and the price for each package size available at the retail liquor premises.

#### **2.18**

A licensee must not give, sell or otherwise supply liquor to another person who is not authorized to sell liquor if they know that the other person intends to sell the liquor in contravention of the Act.

#### **2.19**

The licensee may give liquor purchased through the MLLC:

- a) to a charitable organization to enable the organization to sell or auction it under authority of a special sale permit issued under clause 50(1)(a) of the Act;
- b) to the organizer of a charitable fundraising event for consumption at the event; and
- c) to be used as a prize in a gaming event.

#### **2.20**

The licensee must:

- a) keep a copy of the written request from the charitable organization or event organizer; and
- b) give to the charitable organization or event organizer a written list of liquor provided.

#### **2.21**

Liquor must not be sold in the retail liquor premises:

- a) from 12:00 midnight until 8:00 a.m.; and
- b) from 12:00 midnight until 1:00 p.m. on Remembrance Day.

#### **2.22**

All liquor purchased from retail liquor premises must be given to the purchaser at the retail liquor premises at the time of purchase and must be taken away by the purchaser for consumption at a place where it may be lawfully consumed.



### 2.23

The licensee may deliver liquor to the purchaser provided that the licensee shall:

- a) not deliver liquor to a minor;
- b) not deliver liquor to person who is or appears to be intoxicated;
- c) not deliver liquor to another person who is not authorized to sell liquor if the licensee knows that the other person intends to sell the liquor in contravention of the Act;
- d) not deliver liquor to a place where liquor may not be lawfully kept or possessed.

### 2.24

Licensees may accept liquor delivery orders:

- a) from 8:00 a.m. until 12:00 midnight; and
- b) from 1:00 p.m. until 12:00 midnight on Remembrance Day.

### 2.25

Licensees must ensure that payment of the liquor order is made at the time the order is placed.

### 2.26

Licensees may deliver liquor:

- a) from 8:00 a.m. until 12:30 a.m.; and
- b) from 1:00 p.m. until 12:30 a.m. on Remembrance Day.

### 2.27

Licensees must charge the same price for liquor being delivered as the customer would pay in the retail liquor premises but may charge an additional fee for the delivery to the purchaser.

### 2.28

Licensees must inform the purchaser of both the price of the liquor and the delivery charge at the time when the order is placed and must provide the purchaser with a receipt showing each charge listed separately.

### 2.29

Licensees are responsible to ensure that any person delivering liquor on behalf of the licensee complies with these terms and conditions.

### 2.30

A licensee must not:

- a) deliver or transport liquor; or
- b) send, or cause to be sent, a package, parcel or other container containing liquor to a minor or to a place where liquor may not lawfully be kept or possessed.

### 2.31

If the holder of a social occasion permit purchases liquor for the social occasion from the manufacturer, the licensee must provide the holder of the social occasion permit with written confirmation that the liquor provided was obtained from the retail liquor premises.

### 2.32

The executive director may, at any time, add, vary, repeal or substitute terms and conditions of the endorsement.

### 2.33

The licensee must continue to comply with any terms and conditions or requirements under which the premises was licensed unless otherwise authorized by the LGCA.

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