



Province of Alberta

# **GAMING AND LIQUOR ACT**

Revised Statutes of Alberta 2000  
Chapter G-1

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Office Consolidation

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Gaming and Liquor Act* that are filed as Alberta Regulations under the Regulations Act

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Gaming and Liquor Act</b>		
Gaming and Liquor .....	143/96 .....	173/96, 253/97, 160/98, 87/99, 32/2001, 251/2001, 131/2002, 217/2002, 122/2003, 308/2003, 108/2004, 4/2005, 271/2009, 16/2011, 72/2013, 23/2014, 111/2016, 121/2017, 151/2017

# **GAMING AND LIQUOR ACT**

## Chapter G-1

### *Table of Contents*

1 Interpretation

#### **Part 1**

#### **Alberta Gaming and Liquor Commission**

##### **Status, Powers and Duties**

2 Board continued as Commission

3 Commission's objects

4 Crown agent

5 Natural person powers

6 Other powers and duties

7 Policies

8 Land and buildings

##### **Board**

9 Board

9.1 Maximum years of service

10 Acting Chair

11 Panels

12 Responsibilities of board

13 Inquiry

14 Exercise of powers and duties

15 Rules and procedures

16 Signing requirements

17 Delegation by board

##### **Chief Executive Officer**

18 Responsibilities of c.e.o.

19 Acting c.e.o.

20 Delegation by c.e.o.

21 Exercise of Commission powers

**Finance**

22 Accounts

23 Fees and penalties

25 Lottery Fund

26 Revenue from sale of liquor and provincial lotteries

28 Grant instead of taxes

29 Fiscal year

**General**

30 Annual report

31 Information to Minister

32 Liability exemption

33 Testimony and production of documents

34 Freedom of Information and Protection of Privacy Act

**Part 2**

**Gaming and Provincial Lotteries**

**Gaming**

35 Delegation from Lieutenant Governor in Council

36 Requirement for licence

37 Issuing licences

37.1 Minors in licensed facility

37.2 Duty to intoxicated person

38 Conditions

39 Registration - gaming workers

40 Registration - gaming supplies

41 Inducing breach of contract

42 Registration

**Provincial Lotteries**

43 Commission's authority

44 Agreements

45 Lottery tickets

46 Gaming terminals

47 Certain actions barred

48 Municipal plebiscites 1998

49 Application to existing agreements

**Part 3**  
**Liquor**

- 50 Liquor control
- 51 Issuing licences
- 51.1 Separate business
- 52 Eligibility of minors
- 53 Eligibility of persons related to Commission
- 54 Prohibition area
- 55 Definitions
- 56 Areas where there are no liquor licences
- 57 Application referred to municipality
- 58 Application referred to Metis settlement
- 59 Application referred to Indian band
- 60 Extending time period
- 61 Conditions

**Representatives of Liquor Suppliers**

- 62 Registration required
- 63 Registration

**Regulation of Licensees and Activities  
on Licensed Premises**

- 64 Forced sales
- 65 Remuneration based on sales
- 66 Agreements with liquor suppliers and agencies
- 67 Advertising and promoting of liquor
- 68 Sale at licensed premises
- 69 Conduct on licensed premises
- 69.1 Maintaining public order and safety in licensed premises — gangs
- 69.2 Collection of personal information by licensee
- 70 Leaving licensed premises when requested
- 71 Leaving licensed premises on closing
- 72 Homemade liquor
- 73 Adulteration of liquor
- 74 Minors on licensed premises
- 75 Supplying liquor to minor
- 75.1 Duty to intoxicated person

**Activities Involving Liquor**

- 76 Commission's general authority
- 77 Importation

- 78 Business of transporting passengers
- 79 Sales to Commission
- 80 Sales to licensee
- 81 Prohibited sales
- 82 Sale of liquor under Civil Enforcement Act
- 83 Transportation
- 84 Consumption in vehicles
- 85 Gift of liquor
- 86 Adults
- 87 Minors
- 88 Religious ceremonies
- 89 Public place
- 90 Unauthorized places

#### **Part 4 Board Hearings and Sanctions**

- 91 Suspension, cancellation, etc. by board
- 91.1 Order directing the use of proceeds or freezing property
- 92 Sanction if licensee becomes ineligible
- 93 Board order
- 93.1 Fine imposed by chief executive officer
- 94 Application for board hearing
- 95 Disposition of liquor
- 96 Disposition of gaming supplies
- 97 Notices

#### **Part 4.1 Additional Powers of Commission**

- 97.1 Appointment of receiver and manager
- 97.2 Powers of receiver and manager
- 97.3 Duties of receiver and manager
- 97.4 Court order
- 97.5 Term of office
- 97.6 Fees
- 97.7 Directions from Court
- 97.8 Revocation of appointment
- 97.9 Expenses constitute a debt to Commission
- 97.91 Act not to apply

**Part 5  
Enforcement****Inspections, Search and Seizure**

- 98 Inspectors
- 99 Obstruction of inspector
- 100 Reports
- 101 Liquor samples
- 102 Responsibility of directors and officers
- 103 Inspection of premises and facilities
- 104 Duty to assist inspector
- 105 Inspectors assigned to manufacturers' licensed premises
- 106 Seizure of liquor and gaming supplies
- 107 Warrantless search and seizure
- 108 Abandoned liquor
- 109 Seizure report
- 110 Disposition of liquor on conviction
- 111 Special situations
- 112 Forfeiture of seized conveyance
- 113 Claims by interest holders
- 114 Disposition of forfeited liquor
- 115 Taking intoxicated person into custody

**Offences and Penalties**

- 116 General offence
- 117 General penalty
- 118 Provincial lottery schemes
- 119 Adulteration of liquor and prohibited sales
- 120 Liability of corporation officials, partners
- 121 Responsibility of licensee
- 122 Responsibility of occupant

**Prosecution and Evidence**

- 123 Description of offence
- 124 Certificate of analysis
- 125 Evidence by certificate
- 126 Actions against a corporation
- 127 Proof of incorporation
- 128 Disposition of fines
- 128.1 Board decision to be final

## Part 6 Regulations

- 129 Lieutenant Governor in Council regulations  
130 Board regulations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

### Interpretation

1(1) In this Act,

- (a) “adult” means a person 18 years of age or older;
- (b) “board” means the board of the Commission;
- (c) “Chair” means the Chair designated under this Act;
- (d) “Commission” means the Alberta Gaming and Liquor Commission continued under this Act;
- (e) “container” means a bottle, can, box or other receptacle used for holding liquor and any package that contains the bottle, can, box or other receptacle;
- (f) “Crown” means the Crown in right of Alberta;
- (g) “facility licence” means a licence that authorizes a person to operate a facility where either or both of the following may be conducted:
  - (i) gaming activities that are authorized by a gaming licence;
  - (ii) provincial lotteries;
- (h) “gaming activity” means a lottery scheme referred to in section 207(1)(b), (c), (d) or (f) of the *Criminal Code* (Canada);
- (i) “gaming licence” means a licence that authorizes a person to conduct a gaming activity;
- (j) “gaming supplies” means supplies, equipment and devices designed to be used in a gaming activity, but does not include normal office supplies or things specified in the regulations;
- (j.1) “gaming terminal” means a computer, video device or machine that is used, or could be used, to play a lottery



scheme as defined in the *Criminal Code* (Canada) where, on insertion of money or a token or on payment of any consideration a person may receive or be entitled to receive money, either directly from the computer, video device or machine or in another manner, but does not include such a computer, video device or machine when used only for home entertainment and where there is no ability for any person to make money from its operation;

- (k) “gaming worker” means a person, other than a person specified in the regulations, who is paid to assist
  - (i) a gaming licensee in the conduct or management of a gaming activity, or
  - (ii) a facility licensee in the operation of a licensed facility;
- (l) “Indian band” means a band as defined in the *Indian Act* (Canada);
- (m) “Indian reserve” means a reserve as defined in the *Indian Act* (Canada);
- (n) “inspector” means an inspector referred to in section 98;
- (o) “licensed facility” means the facility described in a facility licence;
- (p) “licensed premises” means the premises described in a liquor licence;
- (q) “liquor” means any wine, beer, cider, spirits or other product that is intended for human consumption in which the percentage of alcohol by volume exceeds an amount prescribed by the regulations, unless the product is excluded from the definition of liquor by board regulations under section 130;
- (r) “liquor agency” means a corporation or individual who is in the business of representing a liquor supplier in the sale of the supplier’s liquor;
- (s) “liquor licence” means a licence that authorizes the manufacture, import, purchase, sale, transport, giving, possession, storage, consumption or use of liquor;
- (t) “liquor supplier” means
  - (i) a manufacturer,

- (ii) a person who operates an establishment for making liquor outside Alberta,
- (iii) a person, other than the Commission, who is a distributor of liquor, and
- (iv) any person who has a connection, as specified in the regulations, to a manufacturer or a person described in subclause (ii) or (iii);
- (u) “manufacturer” means a person who operates or intends to operate an establishment for making liquor in Alberta;
- (v) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (w) “minor” means a person under the age of 18 years;
- (w.1) “police officer” means a police officer as defined in the *Police Act*;
- (x) “provincial lottery” means a lottery scheme referred to in section 207(1)(a) of the *Criminal Code* (Canada) that the Government of Alberta is authorized to conduct and manage by itself or in conjunction with the government of another province or territory;
- (y) “public place” includes
  - (i) a place or building that is open to the public, and
  - (ii) a vehicle in a public place;
- (z) “residence” means a place used by a person as a permanent private dwelling, including any structure or land adjacent to the private dwelling that is used for the convenience or enjoyment of the occupants of the dwelling;
- (aa) “sale” and “sell” include
  - (i) the barter of liquor, and
  - (ii) the storage, display, advertising and offering of liquor for the purpose of sale;
- (bb) “shareholder” does not include a shareholder of a corporation

- (i) any of whose issued shares, or securities that may or might be exchanged for or converted into shares, were part of a distribution to the public, and
- (ii) that has more than 15 shareholders;
- (cc) “special event licence” means a liquor licence that authorizes activities in relation to an event of a limited duration;
- (dd) “spirits” means any product that contains alcohol obtained by distillation;
- (ee) “stadium bylaws” means bylaws passed by a municipality that are referred to in section 129(1)(s);
- (ff) “temporary residence” means
  - (i) a place that is used by a traveller in respect of which the traveller pays a fee,
  - (ii) a vacation or recreational dwelling,
  - (iii) a tent that is set up in an area where overnight camping is not prohibited,
  - (iv) a motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is not prohibited, and
  - (v) a watercraft that has built-in living accommodation and is moored in an area where moorage is not prohibitedthat is being used as a temporary private dwelling, including any structure or land adjacent to the dwelling that is used for the convenience or enjoyment of the occupants of the dwelling;
- (gg) “vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway or on water.
- (hh) repealed 2002 c15 s2.

**(2)** A reference to “this Act” includes the regulations made under this Act.

**(3)** A reference to a conviction that “becomes final” means that the conviction has become final through the appeal process or the expiration of appeal periods.

RSA 2000 cG-1 s1;2002 c15 s2;2009 c23 s2

## Part 1 Alberta Gaming and Liquor Commission

### Status, Powers and Duties

#### Board continued as Commission

**2** The Alberta Liquor Control Board is continued as a corporation called the “Alberta Gaming and Liquor Commission”.

1996 cG-0.5 s2

#### Commission’s objects

**3** The objects of the Commission are

- (a) to administer this Act;
- (b) to conduct and manage provincial lotteries for the Government of Alberta;
- (c) to carry out the functions respecting gaming delegated to it by the Lieutenant Governor in Council under the *Criminal Code* (Canada) or conferred on it by this Act;
- (d) to control in accordance with this Act the manufacture, import, sale, purchase, possession, storage, transportation, use and consumption of liquor;
- (e) to generate revenue for the Government of Alberta.

1996 cG-0.5 s3

#### Crown agent

**4(1)** The Commission is an agent of the Crown and may exercise its powers and perform its duties only as an agent of the Crown.

**(2)** An action, suit or other legal proceeding in respect of any right or obligation acquired or incurred by the Commission, whether in its name or in the name of the Crown, may be brought or taken by or against the Commission in the name of the Commission in any court that would have jurisdiction if the Commission were not an agent of the Crown.

**(3)** All real and personal property of the Commission and all money received by the Commission is the property of the Crown.

1996 cG-0.5 s4

**Natural person powers**

**5** The Commission has the capacity, rights, powers and privileges of a natural person, except to the extent that they are limited by this or any other enactment.

1996 cG-0.5 s5

**Other powers and duties**

**6(1)** The Commission may exercise any power given to it under any enactment.

**(2)** The Commission must perform any duty imposed on it under any enactment.

1996 cG-0.5 s6

**Policies**

**7(1)** The Minister may make policies that must be followed by the Commission, the board or both in carrying out their powers and duties under this Act.

**(2)** The *Regulations Act* does not apply to policies made under subsection (1).

1999 c24 s2

**Land and buildings**

**8** The Commission may acquire or dispose of land or buildings only with the approval of the Lieutenant Governor in Council.

1996 cG-0.5 s7

**Board****Board**

**9(1)** The board of the Commission consists of

- (a) not more than 7 members appointed by the Lieutenant Governor in Council, and
- (b) the chief executive officer appointed under section 18(1).

**(1.1)** The chief executive officer is not eligible to vote or to serve as Chair or acting Chair.

**(2)** The Lieutenant Governor in Council must designate a member as Chair of the board.

**(3)** A quorum of the board is 3 members excluding the chief executive officer.

(4) The Lieutenant Governor in Council must, in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*, fix the amount of remuneration and the travelling, living and other expenses that members are entitled to receive.

RSA 2000 cG-1 s9;2002 c15 s3;  
2009 cA-31.5 s44;2009 c23 s3

#### Maximum years of service

**9.1(1)** No person shall serve as a member of the board for more than 9 years.

(2) The 9-year maximum established by subsection (1) does not apply in respect of the chief executive officer's service as a member.

2009 c23 s4

#### Acting Chair

**10(1)** The Minister may designate a member of the board to be acting Chair when the Chair is unable to act or if the office of the Chair is vacant.

(2) The Chair may designate a member of the board to be acting Chair when the Chair is absent.

(3) An acting Chair has all of the functions, powers and duties of the Chair, unless the designation provides otherwise.

1996 cG-0.5 s10;1999 c24 s4

#### Panels

**11(1)** The Chair may designate any 2 or more members of the board, which may include the Chair but which must not include the chief executive officer, to sit as a panel of the board and may direct that panel

(a) to make any decision that the board may make with respect to licences or registration, or

(b) to conduct any hearing or inquiry that the board may conduct.

(2) A quorum of a panel is 2 members.

(3) A decision or action made or taken by a panel is a decision or action of the board.

(4) A panel of the board may exercise and perform all the powers and duties of the board under this Act or any other enactment with respect to the matter it is directed to deal with.

- (5) For the purposes referred to in subsection (4), any reference in this Act or any other enactment to the board is a reference to a panel of the board.
- (6) If the Chair is not a member of a panel, the Chair must designate one of the members of the panel to preside over the panel.
- (7) When a proceeding is conducted by a panel and one or more members of the panel for any reason do not attend on any day or part of a day, the remaining members present may, if they constitute a quorum, exercise and perform all the powers and duties of the panel with respect to that proceeding.
- (8) Two or more panels may sit simultaneously or at different times.

RSA 2000 cG-1 s11;2009 c23 s5

**Responsibilities of board**

- 12(1)** The board is responsible for
- (a) ensuring that the powers and duties of the Commission are appropriately carried out;
  - (b) establishing the policies of the Commission;
  - (c) conducting hearings and making decisions respecting licences and registrations;
  - (d) any functions assigned to it under any enactment.
- (2) The board has the powers, privileges and immunities of a commissioner under the *Public Inquiries Act* when conducting a hearing.

RSA 2000 cG-1 s12;2002 c15 s4

**Inquiry**

- 13(1)** The board may hold an inquiry into any matter that pertains to this Act.
- (2) The board has the powers, privileges and immunities of a commissioner under the *Public Inquiries Act* when holding an inquiry.

1996 cG-0.5 s13

**Exercise of certain powers and duties**

- 14** Where an enactment specifically assigns a power or duty to the Commission or the chief executive officer, the power or duty may only be exercised or performed by the chief executive officer,

except to any extent that the power or duty may be delegated under the enactment.

RSA 2000 cG-1 s14;2009 c23 s6

#### **Rules and procedures**

**15** The board must establish rules and procedures for the conduct of its meetings and hearings and for making decisions and orders.

1996 cG-0.5 s15

#### **Signing requirements**

**16(1)** A licence, registration, order or authorization of the board may be signed by the Chair or any person authorized by the Chair.

**(2)** The board may authorize the signature on a licence or registration to be reproduced by mechanical means.

1996 cG-0.5 s16

#### **Delegation by board**

**17(1)** The board may in writing delegate any of its functions, powers or duties to the chief executive officer.

**(1.1)** Where the board has delegated a function, power or duty to the chief executive officer, the board has no authority to give directions or instructions relating to that function, power or duty to any person other than the chief executive officer.

**(2)** The board must not delegate

- (a) the power or duty to conduct a hearing or inquiry that it is required or authorized to conduct under any enactment,
- (b) the power to establish amounts of fines under section 91(2.1), or
- (c) the power to cancel a licence.

**(3)** The board's delegation may include the power of subdelegation.

RSA 2000 cG-1 s17;2002 c15 s5;2009 c23 s7

### **Chief Executive Officer**

#### **Responsibilities of c.e.o.**

**18(1)** The Lieutenant Governor in Council may appoint a chief executive officer of the Commission for a term specified in the appointment.

**(1.1)** Repealed 2009 c23 s8.



- (2) The chief executive officer is responsible for
- (a) the administration of the Commission;
  - (b) ensuring that the policies of the board are implemented;
  - (c) advising and informing the board on the operation and affairs of the Commission;
  - (d) exercising the powers and performing the duties assigned to the Commission or to the chief executive officer by any enactment or by the board.

RSA 2000 cG-1 s18;2002 c15 s6;2009 c23 s8

#### **Acting c.e.o.**

**19(1)** The Minister may designate an employee of the Commission to be acting chief executive officer when the chief executive officer is unable to act or if the office of the chief executive officer is vacant.

(2) The chief executive officer may designate an employee of the Commission to be acting chief executive officer when the chief executive officer is absent.

(3) An acting chief executive officer has all of the functions, powers and duties of the chief executive officer, unless the designation provides otherwise.

1996 cG-0.5 s19;1999 c24 s6

#### **Delegation by c.e.o.**

**20(1)** The chief executive officer may in writing delegate any of the functions, powers and duties of the chief executive officer to an employee or agent of the Commission.

(2) The chief executive officer's delegation may include the power of subdelegation.

1996 cG-0.5 s20

#### **Exercise of Commission powers**

**21** Where

- (a) any enactment requires or authorizes the Commission to do something, but does not specify who in the Commission may do it, or
- (b) the Commission wishes to exercise its natural person capacity, rights, powers or privileges,

the thing may be done or the capacity, rights, powers or privileges may be exercised by the chief executive officer.

1996 cG-0.5 s21

## Finance

### Accounts

**22** The Commission may establish accounts for money it receives under this Act.

1996 cG-0.5 s22

### Fees and penalties

**23(1)** All application fees, all fees for licences and registrations provided by the Commission and all fines imposed by the board on licensees and registrants are payable to the Commission and must be deposited into the Commission's accounts.

**(2)** The fees and fines referred to in subsection (1), less amounts for refunds, are to be transferred to the General Revenue Fund as directed by the President of Treasury Board and Minister of Finance.

RSA 2000 cG-1 s23;2002 c15 s7;2013 c10 s32

**24** Repealed 2002 c15 s8.

### Lottery Fund

**25(1)** The Lottery Fund established under the *Interprovincial Lottery Act*, RSA 1980 cI-8, is continued.

**(2)** The Lottery Fund is administered by the Commission.

**(3)** The income of the Fund accrues to and forms part of the Fund.

**(4)** Money may be paid or transferred from the Lottery Fund only in accordance with an appropriation Act.

RSA 2000 cG-1 s25;2002 c15 s9

### Revenue from sale of liquor and provincial lotteries

**26(1)** Revenue from liquor sold by or on behalf of the Commission and revenue received by the Commission from provincial lotteries, less any amounts paid for prizes and retailer commissions, must be deposited into the Commission's accounts.

**(2)** The Commission may pay from the revenue deposited into its accounts under subsection (1)

- (a) federal taxes and duties,
  - (b) the amount the Commission pays for liquor,
  - (c) an amount for deposits and charges relating to containers under the *Beverage Container Recycling Regulation* (AR 101/97),
  - (d) the amounts required to be paid under the federal-provincial agreement respecting gaming and betting entered into on June 3, 1985, as amended or replaced from time to time,
  - (e) the Commission's operating expenses, including the portion of the operating expenses of the Western Canada Lottery Corporation that is attributable to the Province of Alberta and expenses that result from business decisions by the Commission that require additional expenditures, and
  - (f) any amounts determined by the Commission to be paid as commissions to gaming licensees at whose gaming activities the Commission conducts and manages provincial lotteries pursuant to section 43.
- (3)** After payment of the amounts referred to in subsection (2), the remaining revenue deposited into the Commission's accounts under subsection (1) must be transferred
- (a) to the General Revenue Fund as directed by the President of Treasury Board and Minister of Finance if the revenue arose from the sale of liquor, or
  - (b) to the Lottery Fund if the revenue arose from the conduct and management of provincial lotteries.
- (4)** For the purpose of determining the amounts to be transferred pursuant to subsection (3), the Commission must allocate its operating expenses on a reasonable basis
- (a) against revenue from the sale of liquor, or
  - (b) against revenue from the conduct and management of provincial lotteries.

RSA 2000 cG-1 s26;2002 c15 s10;2013 c10 s32

**27** Repealed 2002 c15 s11.

**Grant instead of taxes**

**28** The Commission may each year pay to a municipality in which any of its real property is located a grant not exceeding the amount that would be recoverable by the municipality if

- (a) the property were subject to the property and local improvement taxes of the municipality for that year, or
- (b) the property were subject to the business tax or business licence of the municipality for that year as a result of the Commission's operations on that property.

1996 cG-0.5 s28

**Fiscal year**

**29** The fiscal year of the Commission is April 1 to the following March 31.

1996 cG-0.5 s29

**General**

**Annual report**

**30(1)** The board must, as soon as practicable after the end of each fiscal year, provide the Minister with a report that summarizes its operations during the last fiscal year and that contains

- (a) the audited financial statements of the Commission,
- (b) general information and remarks with regard to the administration and enforcement of this Act during the year, and
- (c) any other information that the board considers relevant or the Minister requests.

**(2)** The Minister must lay a copy of the report before the Legislative Assembly if it is sitting, and if it is not sitting, within 15 days after the commencement of the next sitting.

RSA 2000 cG-1 s30;2009 c23 s9

**Information to Minister**

**31** The Commission must, on the request of the Minister, report to the Minister on its activities and any matter related to this Act.

1996 cG-0.5 s31

**Liability exemption**

**32** No action lies against the Commission, the board or its members, the chief executive officer, employees of the Commission or inspectors for anything done or not done, in good faith, in relation to the exercise of their powers or to the performance of their duties under this Act.

1996 cG-0.5 s32

**Testimony and production of documents**

**33(1)** Unless the board directs otherwise, no member of the board or employee of the Commission may be compelled

- (a) to give testimony for the purposes of a civil action with regard to information obtained in the course of the member's or employee's duties, or
- (b) to produce any document or information for the purposes of a civil action.

**(2)** Subsection (1) does not apply when the member of the board, the Commission or the employee is a party to the civil action.

1996 cG-0.5 s33

**Freedom of Information and Protection of Privacy Act**

**34(1)** In this section, "liquor information" means information obtained by the Commission before, on or after the coming into force of this section relating to the Commission's acquisition or sale of liquor.

**(2)** For the purposes of section 16(1)(b) of the *Freedom of Information and Protection of Privacy Act*, liquor information in the custody or under the control of the Commission is deemed to have been supplied to the Commission in confidence.

1996 cG-0.5 s34

## **Part 2**

### **Gaming and Provincial Lotteries**

#### **Gaming**

**Delegation from Lieutenant Governor in Council**

**35** The Commission's and the board's authority to issue gaming licences and to impose conditions on those licences is subject to the Lieutenant Governor in Council's authorizing the Commission and the board to do so.

1996 cG-0.5 s35

**Requirement for licence**

**36(1)** No person may conduct or manage a gaming activity unless

- (a) the person holds a gaming licence that authorizes the activity, and
- (b) the gaming activity takes place in a licensed facility if the board designates in its policies or the gaming licence that the gaming activity may only be conducted in a licensed facility.

**(2)** If the board has designated in its policies or in a gaming licence that a gaming activity may only be conducted in a licensed facility, no person may operate a facility in which the gaming activity takes place unless the person holds a facility licence for that facility.

1996 cG-0.5 s36

**Issuing licences**

**37(1)** The board may, with or without a hearing, issue a gaming licence or a facility licence if

- (a) the board considers it appropriate to do so,
- (b) the applicant is eligible to receive the licence,
- (c) the requirements of this Act for issuing the licence have been met, and
- (d) issuing the licence will not cause the maximum number of licences established by the board to be exceeded.

**(2)** A facility licence may only be issued in respect of one facility.

1996 cG-0.5 s37

**Minors in licensed facility**

**37.1(1)** No minor may enter or be in and no facility licensee may permit a minor to enter or be in the following licensed facilities:

- (a) a casino;
- (b) a racing entertainment centre.

**(2)** With respect to a licensed facility other than a casino or a racing entertainment centre, no minor may enter or be in the facility and no facility licensee may permit a minor to enter or be in the facility if the facility licence prohibits minors from entering or being in the facility.

**(3)** If a person who appears to be a minor enters a casino, a racing entertainment centre or another licensed facility whose facility

licence prohibits minors from entering or being in the facility, the facility licensee must demand that the person who appears to be a minor produce proof of age.

(4) If a person makes a request for identification under subsection (3) and the person who appears to be a minor fails to produce identification that is satisfactory to the person making the request, the facility licensee must refuse the person entry or ask the person to leave.

2002 c15 s12

#### **Duty to intoxicated person**

**37.2** No facility licensee may permit a person apparently intoxicated by liquor or a drug to take part in a gaming activity or provincial lottery that is conducted in the licensed facility.

2002 c15 s12

#### **Conditions**

**38(1)** The board's policies respecting the activities authorized by a gaming or facility licence are conditions of the licence, including policies made or amended after the licence is issued.

(2) The Commission must make available to a licensee the board policies that are conditions of the licence and must notify the licensee if those policies are amended after the licence is issued.

(3) When issuing a gaming or facility licence, the board may, with or without a hearing, impose conditions on a licence that are in addition to the conditions referred to in subsection (1).

(4) When the board imposes a condition under subsection (3) without a hearing, the board must give the licensee information about an application for a hearing.

RSA 2000 cG-1 s38;2009 c23 s10

#### **Registration - gaming workers**

**39(1)** No person may be a gaming worker unless the person is registered as a gaming worker.

(2) No person may provide gaming workers to a gaming licensee unless the person is registered to provide gaming workers or is a facility licensee.

(3) No gaming licensee or facility licensee may use a gaming worker to assist in the conduct or management of a gaming activity or provincial lottery unless the worker is registered as a gaming worker.

RSA 2000 cG-1 s39;2002 c15 s13

**Registration - gaming supplies**

**40(1)** No person may make, sell, advertise or distribute gaming supplies unless

- (a) the person is registered to deal in gaming supplies,
- (b) the person is a facility licensee, or
- (c) the person is a gaming licensee and the manufacture, sales, advertisement or distribution is authorized by the Commission.

**(2)** No person may possess gaming supplies unless the gaming supplies are approved by the board and

- (a) the person is registered to deal in gaming supplies,
- (b) the person is a licensee under a gaming or facility licence,
- (c) the person is an employee or agent of a person described in clause (a) or (b), or
- (d) the person is using the supplies to play a gaming activity that is authorized by a gaming licence.

1996 cG-0.5 s40

**Inducing breach of contract**

**41(1)** In this section, “gaming contract” means a contract in which one party agrees to provide gaming supplies, gaming workers or a licensed facility to a gaming licensee.

**(2)** No person

- (a) who sells gaming supplies,
- (b) who is a facility licensee or an employee or agent of a facility licensee, or
- (c) who is a gaming worker

may induce a gaming licensee who is a party to a gaming contract to break the contract for the purpose of the person or the person’s employer or principal entering into a gaming contract with the gaming licensee.

1996 cG-0.5 s41

**Registration**

**42(1)** The board is responsible for registrations under this Part.



(2) Registrations are governed by the regulations.

1996 cG-0.5 s42

## Provincial Lotteries

### Commission's authority

**43** The Commission may conduct and manage provincial lotteries on behalf of the Government of Alberta either alone or in conjunction with the government of another province or territory.

1996 cG-0.5 s43

### Agreements

**44(1)** The Commission may, on behalf of the Government of Alberta, enter into agreements with the governments of any other provinces or territories or their agents regarding the conduct and management of a provincial lottery within Alberta and those other provinces or territories.

(2) An agreement referred to in subsection (1) may provide for the provincial lottery to be conducted and managed by an agent acting on behalf of the Government of Alberta and on behalf of the governments of the other provinces or territories.

RSA 2000 cG-1 s44;2009 a23 s11

### Lottery tickets

**45** No person, unless authorized by the Commission, may make, sell, advertise or distribute lottery tickets with respect to a provincial lottery.

1996 cG-0.5 s45

### Gaming terminals

**46(1)** No person may make, sell, advertise or distribute a gaming terminal unless the terminal is approved by the Commission and the person is registered to deal in gaming terminals.

(2) No person may possess a gaming terminal unless the terminal is approved by the Commission and

- (a) the person operates an establishment in which the gaming terminal is used and the use of the gaming terminal in the person's establishment is authorized by the Commission, or
- (b) the person is registered to deal in gaming terminals or is an employee or agent of a person who is registered to deal in gaming terminals.

RSA 2000 cG-1 s46;2002 c15 s14

**Certain actions barred**

**47** No action or proceeding may be instituted or continued against the Crown or a Minister of the Crown, the Commission, the board or its members, the chief executive officer, inspectors or employees of the Commission based on any claim or cause of action, whether arising before or after the enactment of this section, for compensation, for loss or damages including exemplary damages or for injunctive or declaratory relief, whether based on contract, property, tort, equity, restitution, expropriation or otherwise, for

- (a) the removal of gaming terminals from establishments,
- (b) the termination or cancellation of agreements with retailers,
- (c) the termination or cancellation of any rights of retailers connected with or arising from agreements with retailers, or
- (d) any act or omission authorized by this Act.

RSA 2000 cG-1 s47;2002 c15 s15

**Municipal plebiscites 1998**

**48(1), (2)** Repealed 2009 c23 s12.

**(3)** Subject to subsection (4), if the Commission has removed video lottery terminals from a municipality before May 19, 1999 as the result of a vote held in that municipality, the Commission may not

- (a) enter into agreements with retailers respecting video lottery terminals, or
- (b) place or replace any video lottery terminals in establishments

in that municipality.

**(4)** The Commission may not, in respect of a municipality referred to in subsection (3), enter into an agreement with a retailer or place video lottery terminals in establishments unless a policy of the Minister under section 7 authorizes the Commission to do so.

**(5)** In this section, “video lottery terminal” means a video gaming terminal other than one that is located in a licensed facility.

RSA 2000 cG-1 s48;2009 c23 s12

**Application to existing agreements**

**49(1)** The *Gaming and Liquor Amendment Act, 1999*, SA 1999 c24, applies to all agreements with retailers existing on May 19, 1999.

**(2)** If there is a conflict between an agreement with a retailer and the *Gaming and Liquor Amendment Act, 1999*, SA 1999 c24, the *Gaming and Liquor Amendment Act, 1999* prevails.

1999 c24 s7

## Part 3 Liquor

**Liquor control**

**50** No person may, except in accordance with this Act or in accordance with a liquor licence, manufacture, import, purchase, sell, transport, give, possess, store, use or consume liquor.

1996 cG-0.5 s47

**Issuing licences**

**51(1)** The board may, with or without a hearing, issue a liquor licence to an applicant if

- (a) the board considers it appropriate to do so,
- (b) the applicant is eligible to receive the licence, and
- (c) the requirements of this Act for issuing the licence have been met.

**(2)** A licence may only be issued in respect of one premises.

1996 cG-0.5 s48

**Separate business**

**51.1(1)** The board may not issue a retail liquor store licence to an applicant unless the business under which the activities authorized by the licence will be carried out is separate from any other business of the applicant.

**(2)** The board may, for the purposes of this section, make policies establishing criteria to be used to determine if one business is separate from another business.

**(3)** Despite subsection (1), the board may issue more than one retail liquor store licence to an applicant if the business under which the activities authorized by those licences will be carried out is separate from any other business of the applicant.

(4) Despite subsection (1), the board may issue a retail liquor store licence to an applicant if the business under which the activities authorized by the licence will be carried out is part of a business that operates a hotel.

2002 c15 s16

#### **Eligibility of minors**

**52** No liquor licence may be issued

- (a) to a minor, or
- (b) to a corporation if the majority of the corporation's directors or officers are minors, or if the employee or agent who is to be in charge of the premises described in the application is a minor.

1996 cG-0.5 s49

#### **Eligibility of persons related to Commission**

**53(1)** No liquor licence may be issued

- (a) to or for the benefit of a person who is a member of the board or an employee or agent of the Commission, or
- (b) in respect of any premises if a member of the board or an employee or agent of the Commission is an owner or part owner of the premises or holds an interest in the premises.

(2) This section does not apply to

- (a) the issuing of a special event licence, or
- (b) the issuing of a licence to an agent of the Commission authorizing the manufacture of liquor.

1996 cG-0.5 s50

#### **Prohibition area**

**54** Despite anything in this Act, no liquor licence, other than a special event licence or a duty free store licence, may be issued for the area described in section 146(a) and (b) of the *Liquor Control Act*, RSA 1980 cL-17, as it read on July 14, 1996.

1996 cG-0.5 s51;1997 c18 s9

#### **Definitions**

**55** In sections 56 to 59,

- (a) "licensed premises" does not include licensed premises under a special event licence;

- (b) “liquor licence” does not include a special event licence.  
1996 cG-0.5 s52

#### **Areas where there are no liquor licences**

**56** If the board receives an application for a liquor licence for proposed licensed premises in a municipality, Metis settlement or Indian reserve in which there are no licensed premises, the board must refer the application to the municipality, Metis settlement or Indian band unless

- (a) in the case of an application for proposed licensed premises in a municipality or Metis settlement, the application is received by the board within 3 years after a vote has been held under section 57 in respect of a municipality or section 58 in respect of a Metis settlement, or
- (b) in the case of an application for proposed licensed premises on an Indian reserve, the application is received by the board within 3 years from the date that the board referred a previous application to the Indian band under section 59.

1996 cG-0.5 s53

#### **Application referred to municipality**

**57(1)** When an application for a licence is referred to a municipality under section 56, the municipality must, within 90 days from the application being referred to it, submit a question on the application to a vote of the electors and the vote of the electors must be conducted in accordance with the *Local Authorities Election Act*.

**(2)** The municipality must advise the board of the results of the vote and

- (a) if the majority of the electors voting approve of the liquor licence being issued, the board may issue the licence, and
- (b) if the majority of the electors voting oppose the liquor licence being issued, the board may not issue a licence or accept an application for a licence that would authorize licensed premises within the municipality for 3 years after the vote.

1996 cG-0.5 s54

#### **Application referred to Metis settlement**

**58(1)** When an application is referred to a Metis settlement under section 56, the Metis settlement must, within 90 days from the

application being referred to it, hold a vote on the application at a public meeting and sections 54 and 55 of the *Metis Settlements Act* apply to the vote as though it was a vote on a proposed bylaw.

- (2) The Metis settlement must advise the board of the results of the vote and
- (a) if the majority of the settlement members voting approve of the liquor licence being issued, the board may issue the licence, and
  - (b) if the majority of the settlement members voting oppose the liquor licence being issued, the board may not issue a licence or accept an application for a licence that would authorize licensed premises in the Metis settlement for 3 years after the vote.

1996 cG-0.5 s55

#### **Application referred to Indian band**

**59(1)** When an application is referred to an Indian band under section 56, the band has 90 days after the application has been referred to it to advise the board if it approves of the issuing of the liquor licence.

(2) If the Indian band advises the board within the 90 days that it approves of the issuing of the liquor licence, the board may issue the licence.

(3) If the Indian band does not advise the board of its decision within the 90 days or if the band advises the board within the 90 days that it does not approve of the issuing of the liquor licence, the board may not issue a licence or accept an application for a licence that would authorize licensed premises in the Indian reserve for 3 years from the date that the board referred the application to the band.

1996 cG-0.5 s56

#### **Extending time period**

**60** The board may extend the 90-day periods referred to in sections 57 to 59 on the request of a municipality, Metis settlement or Indian band and, if an extension is granted, the references to 90 days in those sections refer to the extended time period.

1996 cG-0.5 s57

#### **Conditions**

**61(1)** The board's policies respecting the activities authorized by a liquor licence are conditions of the licence, including policies made or amended after the licence is issued.

(2) The Commission must make available to a licensee the board policies that are conditions of the liquor licence and must notify the licensee if those policies are amended after the licence is issued.

(3) When issuing a liquor licence, the board may, with or without a hearing, impose conditions on a licence that are in addition to the conditions referred to in subsection (1).

(4) When the board imposes a condition under subsection (3) without a hearing, the board must give the licensee information about an application for a hearing.

RSA 2000 cG-1 s61;2009 c23 s13

### **Representatives of Liquor Suppliers**

#### **Registration required**

**62(1)** No liquor supplier may authorize a liquor agency to be its representative in the sale of its liquor unless the liquor agency is registered for that purpose.

(2) No liquor agency may act as the representative of a liquor supplier in the sale of the supplier's liquor unless the liquor agency is registered for that purpose.

(3) to (7) Repealed 2009 c23 s14.

RSA 2000 cG-1 s62;2009 c23 s14

#### **Registration**

**63(1)** The board is responsible for registrations under this Part.

(2) Registrations are governed by the regulations.

1996 cG-0.5 s60

### **Regulation of Licensees and Activities on Licensed Premises**

#### **Forced sales**

**64** No liquor licensee or employee or agent of a liquor licensee may require or demand, by force or otherwise, that a person buy liquor in the licensed premises.

1996 cG-0.5 s61

#### **Remuneration based on sales**

**65(1)** No person may enter into an agreement in which one party is to receive remuneration for working in licensed premises if the remuneration varies with the amount of liquor sold at the licensed premises.

(2) An agreement entered into in contravention of subsection (1) is void.

1996 cG-0.5 s62

#### **Agreements with liquor suppliers and agencies**

**66(1)** Unless the regulations provide otherwise, no liquor supplier or liquor agency may enter into an agreement with a liquor licensee whose licence authorizes the sale of liquor to customers for their own consumption in which the licensee agrees to sell the liquor of the supplier or agency.

(2) Unless the regulations provide otherwise, no liquor licensee whose licence authorizes the sale of liquor to customers for their own consumption may enter into an agreement with a liquor supplier or liquor agency in which the licensee agrees to sell the liquor of the supplier or agency.

(3) Unless the regulations provide otherwise, an agreement entered into in contravention of subsections (1) and (2) is void.

1996 cG-0.5 s63

#### **Advertising and promoting of liquor**

**67(1)** The board may make policies respecting the advertising and promoting of liquor or products that contain liquor.

(2) Every liquor licensee, liquor supplier, liquor agent and registrant under this Part must comply with the policies.

1996 cG-0.5 s64

#### **Sale at licensed premises**

**68(1)** No liquor licensee or employee or agent of a liquor licensee whose licence authorizes the sale or provision of liquor at licensed premises may sell, offer to sell or provide liquor at the licensed premises

- (a) unless the liquor was purchased from the Commission or acquired in accordance with board policies, and
- (b) except during the hours and on the days when the liquor may be sold or provided under the regulations or stadium bylaws.

(2) No liquor licensee or employee or agent of a liquor licensee may sell, offer to sell or provide from the licensed premises liquor to be consumed off the licensed premises unless the licensee's licence authorizes those activities.

1996 cG-0.5 s65



**Conduct on licensed premises**

**69(1)** No liquor licensee or employee or agent of a liquor licensee may permit any activity in the licensed premises that

- (a) is contrary to any municipal bylaw or any Act or regulation of Alberta or Canada,
- (b) is detrimental to the orderly operation of the premises,
- (c) may be injurious to the health or safety of people in the premises, or
- (d) is prohibited under the licence or by the regulations.

**(2)** No person may do anything in licensed premises that

- (a) is detrimental to the orderly operation of the premises,
- (b) may be injurious to the health or safety of people in the premises, or
- (c) is prohibited under the licence or by the regulations.

RSA 2000 cG-1 s69;2002 c15 s17

**Maintaining public order and safety in licensed premises — gangs**

**69.1(1)** In this section,

- (a) “gang” means a group of people engaged in a pattern of unlawful behaviour or in creating an atmosphere of fear or intimidation in a community;
- (b) “unlawful behaviour” means
  - (i) production, sale, importation, exportation or trafficking of a controlled substance within the meaning of the *Controlled Drugs and Substances Act* (Canada),
  - (ii) prostitution or living on the avails of prostitution,
  - (iii) unlawful possession or transfer of firearms, or
  - (iv) violence, threats, extortion or intimidation.

**(2)** For the purposes of this section, a person is associated with a gang if the person

- (a) is a member of the gang,

- (b) supports, facilitates or participates in the gang's activities, or
- (c) is in the company of a person described in clause (a) or (b).

**(3)** A police officer may exclude or remove from licensed premises any person the police officer believes to be associated with a gang.

**(4)** A police officer need not rely on personal knowledge in concluding that a person is associated with a gang but may rely on information from others, including but not limited to

- (a) information regarding
  - (i) any admission of association with a gang,
  - (ii) use of names, signs, symbols or other representations used by a gang,
  - (iii) a person's presence at the scene of unlawful behaviour by a gang, regardless of whether the person participated in the unlawful behaviour,
  - (iv) receipt of benefits from a gang, and
  - (v) frequent association with persons associated with a gang,

and

- (b) any other categories of information set out in the regulations.

**(5)** For greater certainty, a police officer's good faith belief that a person is associated with a gang is itself sufficient grounds for the exclusion or removal of the person from licensed premises under this section.

**(6)** Every person who is directed to leave licensed premises by a police officer acting under subsection (3) shall comply with the direction.

**(7)** A person who contravenes subsection (6) is a trespasser on the licensed premises.

2009 c23 s15

#### **Collection of personal information by licensee**

**69.2(1)** A licensee may, before allowing a person to enter licensed premises, collect the person's name, age and photograph.

(2) If a licensee has personal knowledge or reasonably believes that a person referred to in subsection (1) has, at any time within the preceding year, engaged in an activity referred to in section 69(1) or (2), the licensee may, in good faith, disclose the person's name, age and photograph to other licensees for the purpose of allowing them to determine whether they wish to allow the person to enter licensed premises.

(3) A licensee must, as soon as possible after a request is made by a police officer, disclose to the police officer any information collected under subsection (1).

2009 c23 s16

#### **Leaving licensed premises when requested**

**70** No person may

- (a) remain in licensed premises after having been requested to leave the premises by the liquor licensee or an employee or agent of the liquor licensee, or
- (b) enter licensed premises after having been forbidden to enter the premises by the liquor licensee or an employee or agent of the liquor licensee.

1996 cG-0.5 s67

#### **Leaving licensed premises on closing**

**71(1)** Except in those licensed premises prescribed in the regulations, every person other than the liquor licensee and the liquor licensee's employees or agents must leave licensed premises when the sale and consumption of liquor in those premises are required to cease under the regulations or stadium bylaws.

(2) Except as provided in the regulations, no liquor licensee or employee or agent of a liquor licensee may permit any person to be in licensed premises when the sale and consumption of liquor in those premises are prohibited under the regulations or stadium bylaws.

(3) No person may consume and no liquor licensee or employee or agent of a liquor licensee may permit a person to consume liquor on licensed premises when the sale and consumption of liquor in those premises are prohibited under the regulations or stadium bylaws.

1996 cG-0.5 s68

#### **Homemade liquor**

**72(1)** No liquor licensee or employee or agent of a liquor licensee may permit liquor referred to in section 86(1) on any licensed

premises unless the liquor is being judged in a competition authorized by a special event licence.

(2) No person may on any licensed premises consume liquor that the person knows has been made under the authority of section 86(1) unless the consumption occurs as part of the judging of the liquor in a competition authorized by a special event licence.

1996 cG-0.5 s69

#### **Adulteration of liquor**

**73(1)** No liquor licensee or employee or agent of a liquor licensee or any other person may

- (a) mix or permit to be mixed with any liquor that is in the possession of a liquor licensee any drug or any form of methyl alcohol or any crude, unrectified or impure form of ethyl alcohol or any other deleterious substance or liquid, or
- (b) blend or permit to be blended one type or brand of liquor with another type or brand of liquor that is in the possession of a liquor licensee by exchanging or combining the contents of one container with those of another container except when using an automatic dispensing device approved by the Commission.

(2) No liquor licensee or employee or agent of a liquor licensee may add water or any other liquid or permit water or any other liquid to be added to any liquor sold or given to a customer so as to reduce the percentage of alcohol by volume without the knowledge and consent of the customer.

RSA 2000 cG-1 s73;2002 c15 s18

#### **Minors on licensed premises**

**74(1)** If a person who appears to be a minor requests to purchase or be given liquor from a liquor licensee, the licensee or other person to whom the request is made must, before granting the request, demand that the person who appears to be a minor provide proof of age.

(2) No minor may enter or be in any licensed premises if the licence prohibits minors from entering into or being in the licensed premises.

(3) No liquor licensee may permit a minor to enter or be in any licensed premises if the licence prohibits minors from entering into or being in the licensed premises.

(4) If a person who appears to be a minor enters licensed premises that a minor is not entitled to enter or be in, the liquor licensee must demand that the person who appears to be a minor produce proof of age.

(5) If a person makes a request for identification under subsection (1) or (4) and the person who appears to be a minor fails to produce identification that is satisfactory to the person making the request, the liquor licensee must

- (a) not serve liquor to that person, and
- (b) refuse the person entry or ask the person to leave if the licence prohibits a minor from entering and being in those licensed premises.

1996 cG-0.5 s71

#### **Supplying liquor to minor**

**75** No person may give or sell or permit any person to give or sell liquor to a minor in licensed premises.

1996 cG-0.5 s72

#### **Duty to intoxicated person**

**75.1** No liquor licensee may

- (a) sell or provide liquor in the licensed premises to a person apparently intoxicated by liquor or a drug,
- (b) permit a person apparently intoxicated by liquor or a drug to consume liquor in the licensed premises, or
- (c) permit a person apparently intoxicated by liquor or a drug to take part in a gaming activity or provincial lottery that is conducted in the licensed premises.

2002 c15 s19

### **Activities Involving Liquor**

#### **Commission's general authority**

**76** The Commission may import, purchase, sell, transport, possess and store liquor.

1996 cG-0.5 s73

#### **Importation**

**77** No person may import liquor into Alberta unless

- (a) the liquor has been purchased by or on behalf of the Commission and the liquor is consigned to the Commission,
- (b) the person is a manufacturer and the board has authorized the manufacturer to import the liquor for the purposes of blending with and flavouring liquor made by the manufacturer, or
- (c) the importation is authorized by this Act or a federal Act.

1996 cG-0.5 s74

**Business of transporting passengers**

**78** The board may authorize a liquor licensee that is in the business of transporting passengers in a commercial public conveyance, other than local transit buses and trains, to bring liquor into Alberta in the commercial public conveyance, and the liquor may be sold to passengers in the commercial public conveyance in accordance with the licence.

1996 cG-0.5 s75

**Sales to Commission**

**79(1)** No manufacturer may sell the liquor it makes to any person other than the Commission unless the manufacturer's liquor licence provides otherwise.

**(2)** Subsection (1) does not apply to liquor that a manufacturer exports from Alberta.

**(3)** No person who imports liquor under section 77(b) or (c) may sell the liquor to any person other than the Commission unless the board provides otherwise.

1996 cG-0.5 s76

**Sales to licensee**

**80(1)** The Commission may impose a mark-up as determined by the Commission on liquor that it sells to liquor licensees.

**(2)** When the Commission sells liquor to liquor licensees, the price of liquor must be the same, at any one time, for all licensees holding the same class of licence.

**(3)** The Commission must not deliver liquor it has sold until the purchaser has paid for the liquor in the manner required by the board.

**(4)** In subsection (1), "mark-up" means the profit generated by the Commission on the sale of liquor.

RSA 2000 cG-1 s80;2002 c15 s20

**Prohibited sales**

**81** Unless authorized by this Act or a liquor licence, no person may through the person's own actions or through the person's employees or agents

- (a) display liquor for sale,
- (b) store liquor for sale, or
- (c) directly or indirectly sell or offer to sell liquor.

1996 cG-0.5 s78

**Sale of liquor under Civil Enforcement Act**

**82** A civil enforcement agency may seize liquor in accordance with the *Civil Enforcement Act*, and the board may, subject to any conditions it considers advisable, authorize the civil enforcement agency to sell the liquor.

1996 cG-0.5 s79

**Transportation**

**83** A common carrier or other person may, in accordance with this Act, transport liquor from a place where liquor is lawfully located to another place where liquor may be lawfully located.

1996 cG-0.5 s80

**Consumption in vehicles**

**84** Except as otherwise provided for in this Act or in a liquor licence, no person may consume liquor in a vehicle unless, when the liquor is being consumed, the vehicle is a temporary residence.

1996 cG-0.5 s81

**Gift of liquor**

**85** Subject to the regulations, a person other than a minor may make a gift of liquor that was lawfully made, purchased or imported and a person other than a minor may receive a gift of this liquor.

1996 cG-0.5 s82

**Adults**

**86(1)** An adult may make, in the adult's residence, wine, cider and beer up to a quantity permitted under the regulations.

**(2)** No adult may make spirits except in accordance with a licence.

**(3)** An adult may import into Alberta liquor of a kind and up to a quantity that is permitted under the regulations.

(4) An adult may purchase liquor from a licensee or as otherwise authorized by the regulations.

(5) An adult may possess liquor lawfully made, purchased, imported or received as a gift, and

(a) store it in a residence, temporary residence or other place authorized by this Act, and

(b) use and consume it in a residence, temporary residence or other place authorized by this Act.

1996 cG-0.5 s83

### **Minors**

**87(1)** Subject to subsection (3) and section 88, no minor may

(a) purchase or attempt to purchase liquor;

(b) obtain or attempt to obtain liquor;

(c) possess or consume liquor.

(2) Subject to subsection (3) and section 88, no person may sell, attempt to sell or give liquor to a minor.

(3) An adult who is the parent, guardian or spouse or adult interdependent partner of a minor and who is in lawful possession of liquor may give the liquor to a minor in a residence or a temporary residence.

RSA 2000 cG-1 s87;2002 cA-4.5 s39

### **Religious ceremonies**

**88** A priest, minister, member of a clergy or other religious leader may, in the performance of religious ceremonies or sacraments, give liquor, approved by the Commission for sacramental purposes, to a minor or an adult in accordance with the practices of the religion.

1996 cG-0.5 s86

### **Public place**

**89(1)** Except as provided in this Act, no person may use or consume liquor in a public place or any place other than a residence, temporary residence, licensed premises or a place or class of place prescribed in the regulations where liquor may be used or consumed.

(2) Despite subsection (1), a person may consume liquor with food in a public park in a picnic area designated by the owner or



operator of the public park during the hours designated by the owner or operator if a sign is posted that

- (a) states that a person may consume liquor with food in the designated picnic area,
- (b) sets out the designated picnic area, and
- (c) sets out the hours when liquor may be consumed with food.

**(3)** A person must stop consuming liquor in a designated picnic area if a peace officer on reasonable and probable grounds believes that the person is intoxicated or is not consuming food while consuming liquor in a designated picnic area and the peace officer requests that person to stop consuming liquor.

1996 cG-0.5 s86

#### **Unauthorized places**

**90** An owner or operator, or an employee or agent of an owner or operator, of a place that is not

- (a) a residence,
- (b) a temporary residence,
- (c) licensed premises,
- (d) a place prescribed in the regulations where liquor may be stored, used or consumed, or
- (e) a picnic area in a public park that is designated and where a sign is posted in accordance with section 89(2),

may not knowingly allow a person to possess, use or consume any liquor at that place.

1996 cG-0.5 s87

## **Part 4 Board Hearings and Sanctions**

#### **Suspension, cancellation, etc. by board**

**91(1)** The board may do any one or more of the things referred to in subsection (2) if the board is of the opinion that

- (a) a licensee or registrant has failed to comply with this Act, an order of the board or a condition imposed on a licence or registration;

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

**(2.1)** The board may establish amounts of fines for the purposes of subsection (2)(c) and may delegate to the chief executive officer the power to impose and collect the fines.

**(2.2)** If the power to impose and collect fines is delegated to the chief executive officer under subsection (2.1),

- (a) the opinion required under subsection (1) is to be formed by the chief executive officer instead of the board, and
- (b) any fine imposed under subsection (2)(c) may be imposed by the chief executive officer by means of a written instrument in a form approved by the board, instead of by board order.

**(3)** A licence or registration may not be cancelled

- (a) where a person referred to in subsection (1)(d) or (e)
  - (i) has been charged but not convicted, until after the Commission has completed an investigation of the matter, or
  - (ii) has been convicted, until after the conviction becomes final,

or

- (b) in a case to which subsection (1)(f) applies, until after the Commission has completed an investigation of the matter.

RSA 2000 cG-1 s91;2002 c15 s21;2009 c23 s17

#### **Order directing the use of proceeds or freezing property**

**91.1(1)** The board may make an order as provided in subsection (2) if the board believes on reasonable grounds that it is advisable to make an order to ensure that a gaming licensee or former gaming licensee uses the revenue from gaming activities in accordance with this Act, the *Criminal Code* (Canada) and the conditions imposed on the gaming licence.

**(2)** If subsection (1) applies, the board may, by order, with or without a hearing, do any one or more of the following:

- (a) direct a gaming licensee or former gaming licensee to use the revenue from a gaming activity for a charitable or religious object or purpose chosen by the licensee or former licensee and approved by the board, or chosen by the board in accordance with subsection (6);
- (b) direct a person who has on deposit or under its control or in its safekeeping any money or other property of a

gaming licensee or former gaming licensee to hold the money or other property;

- (c) direct a gaming licensee or former gaming licensee to refrain from dealing with or withdrawing its money or other property from any person who has the money or other property on deposit or under its control or in its safekeeping.

(3) An order made under subsection (2) does not take effect until it is served on the person to whom it is directed.

(4) An order made under subsection (2) that is directed to a financial institution applies only to the office, branch or agency of the financial institution named in the order.

(5) A person to whom an order under subsection (2) is directed who is in doubt as to

- (a) the application of the order to any money or other property, or
- (b) a claim being made to that person by any person not named in the order

may apply to the board for direction as to the disposition of the money, other property or claim.

(6) If a person to whom an order under subsection (2)(a) is directed refuses or fails to choose a charitable or religious object or purpose that is approved by the board, the board may choose one.

(7) A person to whom an order under subsection (2)(b) is directed must hold the money or other property in trust for the beneficial owner until the board revokes or varies the order.

(8) The board may revoke or vary an order made under this section and may require the person whose money or other property is subject to the order to file with the board security in a form and an amount acceptable to the board.

2002 c15 s22

#### **Sanction if licensee becomes ineligible**

**92(1)** The board may do any one or more of the things referred to in subsection (2) if, after a licence is issued or a person is registered, the licensee or registrant becomes ineligible to hold a licence or to be registered because of either the licensee's or registrant's own actions or the actions of an employee or associate of the licensee or registrant.

(2) If subsection (1) applies, the board may, by order, with or without a hearing, do any one or more of the following:

- (a) cancel or suspend the licence or registration;
- (b) require a person to dispose of an interest in the business under which the activities authorized by the licence or registration are carried out;
- (c) require a person to dispose of an interest in licensed premises or facilities.

(3) If the ineligibility referred to in subsection (1) is caused by a conviction of an offence under this Act or a federal Act specified in the regulations, the board may not make an order under subsection (2) until the conviction becomes final.

RSA 2000 cG-1 s92;2002 c15 s23

#### **Board order**

**93** When the board makes an order under section 91, 91.1(2) or 92, the board must give the licensee or registrant

- (a) a copy of the order,
- (b) a written summary of the reasons and information on which the order is based, and
- (c) information about an application for a hearing if the order was made without a hearing.

RSA 2000 cG-1 s93;2002 c15 s24

#### **Fine imposed by chief executive officer**

**93.1** Where, pursuant to a delegation made under section 91(2.1), the chief executive officer imposes a fine under section 91(2)(c), the chief executive officer must give the licensee or registrant

- (a) a copy of the written instrument by which the fine is imposed,
- (b) a written summary of the reasons and information on which the fine is based, and
- (c) information about the right to apply for a hearing.

2009 c23 s18

#### **Application for board hearing**

**94(1)** A licensee or registrant may apply to the board for a hearing if any of the following has occurred without a hearing in respect of that licensee or registrant:

- (a) the board has made an order under section 91, 91.1(2) or 92;
  - (a.1) the chief executive officer has, pursuant to a delegation made under section 91(2.1), imposed a fine under section 91(2)(c);
  - (b) the board has imposed conditions on the licence under section 38(3) or 61(3);
  - (c) the board has imposed conditions on the registration under the regulations.
- (2)** A person who is refused a licence or registration by the board without a hearing may apply to the board for a hearing.
- (3)** A person whose liquor, containers, gaming terminals or gaming supplies have been seized under section 95 or 106 may apply to the board for a hearing.
- (4)** An applicant for a hearing must apply in writing to the board within 30 days after receiving notice of the matter in respect of which a hearing is requested, or a longer period as the board permits.
- (5)** The application must describe the matter in respect of which a hearing is requested and set out the reasons for making the application.
- (6)** Within 60 days after receiving an application, the board must conduct a hearing and give the applicant an opportunity to make representations to the board.
- (7)** After a hearing under this section, the board may by order
- (a) confirm the original order or decision,
  - (b) replace the order or decision with another order or decision made in accordance with the authority for the order or decision,
  - (c) cancel the original order or decision, or
  - (d) in the case of a hearing applied for under subsection (3), confirm the seizure and declare the goods forfeited to the Commission or direct that any or all of the seized goods be returned.
- (8)** The board must provide the applicant with a copy of its order and written reasons.

**Disposition of liquor**

**95(1)** When a liquor licence is suspended or cancelled, the Commission may purchase liquor from the person whose licence has been suspended or cancelled or authorize the person to sell the liquor to a licensee if the liquor is, in the opinion of the Commission, suitable for resale.

**(2)** If the liquor in the possession of a person whose liquor licence has been suspended or cancelled was not lawfully acquired or is not, in the opinion of the Commission, suitable for resale, the liquor and containers are forfeited to the Commission and the person must, on the request of the Commission, deliver all liquor and containers in the person's possession pursuant to the licence or on the licensed premises to the Commission.

**(3)** If the person whose licence has been suspended or cancelled fails to deliver liquor and containers as requested under subsection (2), the liquor and containers may be seized by an inspector.

**(4)** When an inspector seizes liquor and containers, the inspector must

- (a) give a notice to the person from whom the liquor and containers were seized that sets out the reasons for the seizure and notifies the person of the right to a hearing before the board, and
- (b) deliver the liquor and containers to the Commission.

1996 cG-0.5 s92

**Disposition of gaming supplies**

**96** A person whose facility licence has been suspended or cancelled must dispose of any gaming supplies in the person's possession in accordance with the board's instructions.

1996 cG-0.5 s93

**Notices**

**97(1)** Notice of any decision or board order made under section 38(3), 61(3), 91, 91.1 or 92 or of any decision or order made under the regulations that imposes conditions on a registration must be given to the licensee or registrant as follows:

- (a) by registered mail to the last address of the licensee or registrant as shown in the Commission's records;
- (b) by personal delivery to the licensee or registrant or an agent of the licensee or registrant;

- (c) by telecopier to the fax number of the licensee or registrant if
  - (i) the licensee or registrant has provided that fax number to the Commission for the purpose of receiving notices under this Act, and
  - (ii) the Commission receives confirmation that the notice was sent to that fax number;
- (d) by any other electronic means if
  - (i) the licensee or registrant has consented to receive notices under this Act in that manner, and
  - (ii) the licensee or registrant acknowledges receipt of the notice.

**(2)** Unless otherwise provided for in this Act, any other notice that is to be given to a person under this Act by the board or the Commission may be sent by ordinary mail to the last address of the person as shown in the Commission's records.

RSA 2000 cG-1 s97;2002 c15 s26

## **Part 4.1**

### **Additional Powers of Commission**

#### **Appointment of receiver and manager**

**97.1(1)** The Commission may apply to the Court of Queen's Bench for the appointment of a receiver and manager of the property of a facility licensee

- (a) if
  - (i) the Commission has reasonable grounds to believe that the board is about to make, or
  - (ii) the board has madea decision suspending or cancelling the facility licence, or
- (b) if the facility licence will be or has been suspended or cancelled by operation of this Act or the regulations.

**(2)** In determining whether to appoint a receiver and manager under this section, the Court must consider at least the following:

- (a) that it is in the public interest to ensure that gaming activities in Alberta be conducted lawfully and with integrity;



- (b) the best interests of charities that depend on revenue from gaming activities;
  - (c) the best interests of employees who work in the licensed facility;
  - (d) the best interests of creditors and persons whose property is in the possession or under the control of the facility licensee;
  - (e) whether the appointment of a receiver and manager will be an effective means of ensuring the continued management and operation of the licensed facility;
  - (f) the probable cost of the receivership in relation to the probable benefits to be derived by the appointment of a receiver and manager;
  - (g) whether the appointment of a receiver and manager will cause undue hardship or prejudice to the facility licensee or another person.
- (3)** An application under this section may be made ex parte if the Court considers it proper to do so in the circumstances.
- (4)** If an application under this section is made ex parte, the Court may make an order appointing a receiver and manager for a period not exceeding 15 days.
- (5)** A receiver and manager appointed under this section is the receiver and manager of only that part of the property of the facility licensee that is part of or necessary or incidental to the operation of the licensed facility and that is
- (a) owned or leased by the facility licensee or otherwise under the control of the licensee, or
  - (b) held by the facility licensee on behalf of or in trust for any other person.
- (6)** Subject to the directions of the Court, the receiver and manager
- (a) has the authority to manage and operate the licensed facility, and
  - (b) must exercise any powers that are necessary or incidental to the management and operation of the licensed facility.

2002 c15 s27

**Powers of receiver and manager**

**97.2(1)** A receiver and manager appointed under section 97.1 is vested with all the powers

- (a) in the case of a facility licensee that is an individual or partnership, of the individual or partners in respect of the management and operation of the licensed facility, and
- (b) in the case of a facility licensee that is a corporation, of the shareholders and directors of the corporation in respect of the management and operation of the licensed facility.

**(2)** On an order being made under section 97.1 appointing a receiver and manager,

- (a) in the case of a facility licensee that is an individual or partnership, the individual or partners must not exercise any powers in respect of the management and operation of the licensed facility, and
- (b) in the case of a facility licensee that is a corporation, the shareholders and directors of the corporation must not exercise any powers in respect of the management and operation of the licensed facility.

2002 c15 s27

**Duties of receiver and manager**

**97.3(1)** A receiver and manager appointed under section 97.1 must

- (a) act honestly and in good faith,
- (b) take custody and control of the property of the facility licensee referred to in section 97.1(5),
- (c) deal with the property of the facility licensee in a commercially reasonable manner, and
- (d) keep detailed records of transactions carried out by the receiver and manager relating to the management and operation of the licensed facility.

**(2)** The records kept pursuant to subsection (1)(d) must be available for inspection during ordinary business hours

- (a) in the case of a facility licensee that is an individual or partnership, by the individual or partners, and

- (b) in the case of a facility licensee that is a corporation, by the shareholders and directors of the corporation.

2002 c15 s27

**Court order**

**97.4** The Court, in making an order under section 97.1, may provide for any matter or thing relating to the management and operation of the licensed facility during the appointment of the receiver and manager.

2002 c15 s27

**Term of office**

**97.5** A receiver and manager appointed under section 97.1 remains in office until removed from office by the Court or until

- (a) a new facility licence is issued, or
- (b) if the facility licence was suspended, the licence is reinstated.

2002 c15 s27

**Fees**

**97.6** The fees payable to a receiver and manager for services, expenses and disbursements in connection with the discharge of the duties of the receiver and manager

- (a) must be fixed by the Court from time to time, and
- (b) must be paid out of the assets or income of the licensed facility.

2002 c15 s27

**Directions from Court**

**97.7(1)** A receiver and manager appointed under section 97.1 and any interested person may apply to the Court of Queen's Bench for directions or for an order relating to any matter arising with respect to the carrying out of the duties of the receiver and manager.

**(2)** On an application under subsection (1), the Court may give direction, declare the rights of parties before the Court and make any further order it considers necessary.

2002 c15 s27

**Revocation of appointment**

**97.8** The Court may at any time revoke an appointment made under section 97.1 and appoint another receiver and manager.

2002 c15 s27

**Expenses constitute a debt to Commission**

**97.9** If the Commission expends money in respect of the appointment under this Act of a receiver and manager, the amount expended

- (a) is a debt owing by the facility licensee to the Commission, and
- (b) may be recovered by the Commission in the same manner as any other debt owing to the Commission.

2002 c15 s27

**Act not to apply**

**97.91** Part 8 of the *Business Corporations Act* does not apply in respect of a receiver and manager appointed under section 97.1.

2002 c15 s27

## **Part 5 Enforcement**

### **Inspections, Search and Seizure**

**Inspectors**

**98(1)** The Commission may, in writing, designate any employee of the Commission or any other person as an inspector.

**(2)** Every police officer as defined in the *Police Act* is an inspector for the purposes of this Act.

1996 cG-0.5 s95

**Obstruction of inspector**

**99** No person may hinder, obstruct or impede an inspector in the performance of the inspector's duties or in the exercise of the inspector's powers.

1996 cG-0.5 s96

**Reports**

**100** Every licensee or registrant must, when required in writing by the Commission, provide the Commission with reports and information specified by the Commission for the purposes of determining if this Act and the conditions imposed on the licensee's licence or registrant's registration are being complied with.

1996 cG-0.5 s97

**Liquor samples**

**101** A liquor licensee or a registrant must, when required by the Commission, provide the Commission with samples of liquor that the licensee or registrant is selling or intends to sell.

RSA 2000 cG-1 s101;2002 c15 s28

**Responsibility of directors and officers**

**102** If a corporation is a licensee or registrant and a duty is imposed on the licensee or registrant under this Act, the duty is also imposed

- (a) on any director or officer of the corporation, or
- (b) if the licence is a liquor licence or facility licence, the director, officer, employee or agent who is in charge of the licensed premises or licensed facility.

1996 cG-0.5 s99

**Inspection of premises and facilities**

**103(1)** To ensure compliance with this Act, an inspector may enter and inspect, at any reasonable time,

- (a) licensed premises and licensed facilities;
- (b) unlicensed premises and unlicensed facilities where gaming activities have been, are or will be conducted;
- (c) premises with respect to which a liquor licence has expired or been suspended or cancelled;
- (d) a facility with respect to which a facility licence has expired or been suspended or cancelled;
- (e) the offices of a common carrier doing business in Alberta that may contain records and documents relating to liquor stored or transported in Alberta.

**(2)** An inspector may enter and inspect, at any reasonable time, premises or facilities described in an application for a licence to determine if the premises or facilities meet the requirements of this Act.

**(3)** When acting under the authority of this section, an inspector must carry identification in the form established by the board and present it on request to the owner or occupant of the premises or facility being inspected.

**(4)** In carrying out an inspection relating to liquor, a liquor licence or licensed premises, an inspector may

- (a) take reasonable samples of liquor from the licensee or any person in the licensed premises,
  - (b) inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to liquor, a liquor licence or licensed premises, or may temporarily remove any of them for those purposes,
  - (c) interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts,
  - (d) interview and request identification from any person who appears to be a minor who is found in the licensed premises, or a person who appears to be a minor who is found outside the licensed premises if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act,
  - (e) interview and request identification from any person who appears to be intoxicated in licensed premises or who is found in the licensed premises after the sale and consumption of liquor have been required to cease under the regulations, or a person who is found outside the licensed premises if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act, and
  - (f) seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.
- (5)** In carrying out an inspection relating to a gaming activity, provincial lottery or gaming or facility licence, an inspector may
- (a) take reasonable samples of gaming supplies from the licensee or any person in the licensed facility,
  - (b) inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to a gaming activity, a provincial lottery, a gaming or facility licence or gaming supplies, or may temporarily remove any of them for those purposes,
  - (c) interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts,
  - (d) interview and request identification from any person who appears to be a minor who is found in the licensed facility,

or a person who appears to be a minor who is found outside the licensed facility if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act, and

- (e) seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.

**(6)** When an inspector removes records, documents, books of account and receipts under this section, the inspector must

- (a) give a receipt for them to the person from whom they were taken, and
- (b) within a reasonable time, return them to that person.

RSA 2000 cG-1 s103;2002 c15 s29

#### **Duty to assist inspector**

**104** A licensee, a registrant, an applicant for a licence or registration and a common carrier and their officers, employees and agents must, on the request of an inspector, the Commission or an employee of the Commission,

- (a) assist the inspector in carrying out an inspection under section 103, and
- (b) provide the inspector with records, documents, books of account and receipts and provide a place where they may be inspected, audited, examined or copied.

RSA 2000 cG-1 s104;2002 c15 s30 cG-0.5 s101

#### **Inspectors assigned to manufacturers' licensed premises**

**105(1)** The Commission may assign an inspector to work at the licensed premises of a manufacturer for the purposes of ensuring that the manufacturer is complying with this Act.

**(2)** After a manufacturer receives reasonable notice from the Commission that an inspector has been assigned to its licensed premises, the manufacturer must provide the inspector with

- (a) office accommodation, facilities and equipment at the licensed premises as specified by the Commission, and
- (b) records and documents that are required by the inspector and any assistance the inspector requires in carrying out an inspection.

(3) An inspector assigned to licensed premises has all of the powers and duties of an inspector under section 103.

1996 cG-0.5 s102

#### **Seizure of liquor and gaming supplies**

**106(1)** An inspector who, while carrying out an inspection under section 103, finds any liquor, gaming terminals or gaming supplies that the inspector believes on reasonable and probable grounds are unlawfully acquired or kept or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence or registration may immediately seize and remove the liquor and the containers in which it is held or the gaming terminals or gaming supplies.

(2) When an inspector seizes liquor and containers, gaming terminals or gaming supplies, the inspector must

- (a) give a notice to the person from whom the liquor and containers or the terminals or gaming supplies were seized that sets out the reasons for the seizure and notifies the person of the right to a hearing before the board, and
- (b) deliver the liquor and containers or the terminals or gaming supplies to the Commission.

RSA 2000 cG-1 s106;2002 c15 s31

#### **Warrantless search and seizure**

**107(1)** A peace officer who on reasonable and probable grounds believes

- (a) that liquor is in or near a vehicle and is being kept unlawfully or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence, and
- (b) that obtaining a warrant would cause a delay that could result in the loss or destruction of evidence

may without a warrant and, if necessary, by reasonable force conduct a search for that liquor in or near the vehicle or on the person of anyone found in or near the vehicle.

(2) A peace officer who, in making a search under subsection (1), finds liquor that the peace officer believes on reasonable and probable grounds is unlawfully kept or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence may

- (a) immediately seize the liquor and the container in which it is held, and



- (b) if the peace officer believes on reasonable and probable grounds that an offence under section 81 is being or has been committed by the occupant or person in charge of a vehicle in or near which liquor is found, seize and remove that vehicle.

(3) Following a seizure of a vehicle under subsection (2), the peace officer must, within a reasonable time,

- (a) provide a justice with an affidavit
  - (i) stating that the peace officer has reason to believe that a person committed an offence under section 81 while being an occupant or in charge of the vehicle that was seized, and
  - (ii) stating the name of the person alleged to have committed an offence under section 81,

or

- (b) return the vehicle to the person from whom it was seized.

(4) A justice, on receipt of an affidavit under subsection (3), may order that the affidavit be served on the person referred to in subsection (3)(a)(ii) and set down a date to hear the matter and may order that the vehicle be

- (a) retained by the Crown until final disposition of the charge under section 81, or
- (b) returned to the person from whom it was seized.

(5) If a vehicle is returned under subsection (4)(b), the justice may order the person to whom it is returned

- (a) to hold it as bailee for the Crown until final disposition of the charge under section 81, and
- (b) to produce it if it is required with respect to proceedings related to the charge under section 81.

RSA 2000 cG-1 s107;2002 c15 s32

#### **Abandoned liquor**

**108** If a peace officer finds liquor on any premises or in any place and the peace officer believes on reasonable and probable grounds that there is no apparent owner of the liquor, the peace officer may immediately seize and remove the liquor and containers, and the liquor and containers are forfeited to the Crown.

RSA 2000 cG-1 s108;2002 c15 s33

**Seizure report**

**109** When liquor is seized by a peace officer, a report in writing of the particulars of the seizure must be made, if required by the Commission, in the manner directed by the Commission.

1996 cG-0.5 s106

**Disposition of liquor on conviction**

**110** When a conviction under this Act becomes final, any liquor and containers in respect of which the offence was committed that were seized are, as part of the penalty for the conviction, forfeited to the Crown.

1996 cG-0.5 s107

**Special situations**

**111(1)** If a person charged with an offence under this Act is not convicted, the Crown may apply to a justice for an order declaring that any liquor and containers seized with respect to that charge are forfeited to the Crown.

**(2)** A justice may grant the order after holding a hearing in which notice is given to the persons specified by the justice in the manner specified by the justice.

1996 cG-0.5 s108

**Forfeiture of seized conveyance**

**112** On the conviction of the occupant or person in charge of a vehicle for an offence under section 81, the justice making the conviction may declare, as part of the penalty for the conviction, that any vehicle seized pursuant to section 107 or pursuant to a warrant is forfeited to the Crown.

1996 cG-0.5 s109

**Claims by interest holders**

**113(1)** Any person who claims an interest in any liquor, container or vehicle that is forfeited to the Crown may apply to a judge of the Court of Queen's Bench for an order under subsection (6) or (7).

**(2)** Subsection (1) does not apply to a person who was convicted of an offence that resulted in the forfeiture.

**(3)** An applicant has

- (a) in the case of a forfeiture under section 108, 90 days after the forfeiture to apply to a judge, and
- (b) in any other case, 30 days after the forfeiture to apply to a judge.

- (4) The judge to whom an application is made under subsection (1) must fix a day for the hearing that is not less than 30 days after the date of filing of the application.
- (5) The applicant must serve a notice of the application and of the hearing on the Minister of Justice and Solicitor General at least 15 days before the day fixed for the hearing.
- (6) If, on hearing an application involving abandoned liquor, the judge is satisfied that the applicant has an interest in the liquor and containers, and it is reasonable that the liquor and containers be released to the applicant or any other person, the judge may grant an order cancelling the forfeiture and requiring the liquor to be released to the applicant or other person.
- (7) If, on hearing an application involving an offence under this Act, the judge is satisfied that
- (a) the applicant is innocent of any complicity in the offence or alleged offence that resulted in the forfeiture and of any collusion in relation to that offence or alleged offence with any person who may have committed the offence or alleged offence, and
  - (b) it was reasonable for the applicant to be satisfied that the person permitted to obtain the property was not likely to use the property in contravention of this Act or, in the case of a mortgagee or lienholder, that the mortgagor or the person giving the lien was not likely to use the property in contravention of this Act,

the applicant is entitled to an order declaring that the applicant's interest is not affected by the forfeiture and declaring the nature and extent of the applicant's interest.

RSA 2000 cG-1 s113;2009 c53 s70;2013 c10 s34

#### **Disposition of forfeited liquor**

**114(1)** Liquor that is forfeited to the Crown under this Act must be disposed of or destroyed under the direction of the Minister of Justice and Solicitor General.

**(2)** Liquor that is forfeited to the Commission under this Act must be disposed of or destroyed under the direction of the Commission.

RSA 2000 cG-1 s114;2013 c10 s34

#### **Taking intoxicated person into custody**

**115(1)** No person may be intoxicated in a public place.

(2) If a peace officer on reasonable and probable grounds believes that a person is intoxicated in a public place, the peace officer may, instead of charging the person with an offence, take the person into custody to be dealt with in accordance with this section.

(3) A person in custody pursuant to subsection (2) may be released from custody at any time if on reasonable and probable grounds the person responsible for the custody believes that

- (a) the person in custody has recovered sufficient capacity that, if released, the person is unlikely to injury himself or herself or be a danger, nuisance or disturbance to others, or
- (b) a person capable of taking care of the person taken into custody undertakes to take care of that person.

(4) A person taken into custody under this section may not be held in custody for more than 24 hours after being taken into custody.

(5) No action lies against a peace officer or other person for anything done in good faith with respect to the apprehension, custody or release of a person pursuant to this section.

1996 cG-0.5 s112

## Offences and Penalties

### General offence

**116** A person who contravenes section 36, 37.1, 37.2, 39, 40, 41, 45, 46, 50, 64, 65(1), 66, 68, 69, 69.1(6), 70, 71, 72, 73, 74, 75, 75.1, 77, 79, 81, 84, 86(2), 87, 89, 90, 99, 100, 101 or 115(1) or a section in the regulations the contravention of which is designated by the regulations to be an offence is guilty of an offence.

RSA 2000 cG-1 s116;2002 c15 s34;2009 c23 s20

### General penalty

**117(1)** An individual who is convicted of an offence for which no specific penalty has been provided is liable to a fine of not more than \$10 000 or to imprisonment for not more than 6 months, or to both the fine and imprisonment.

(2) A corporation convicted of an offence for which no specific penalty has been provided is liable to a fine of not more than \$50 000.

1996 cG-0.5 s114

**Provincial lottery schemes**

**118** A person who contravenes section 45 or 46 is liable to a fine of not more than \$500 000 or to imprisonment for not more than 12 months, or to both.

1996 cG-0.5 s115

**Adulteration of liquor and prohibited sales**

**119(1)** An individual who contravenes section 73 or 81 is liable to a fine of not more than \$50 000 or to imprisonment for not more than 12 months, or to both the fine and imprisonment.

**(2)** A corporation that contravenes section 73 or 81 is liable to a fine of not more than \$100 000.

1996 cG-0.5 s116

**Liability of corporation officials, partners**

**120(1)** If a corporation commits an offence under this Act, any officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.

**(2)** If a partnership that is the holder of a licence commits an offence under this Act, every member of the partnership who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the partnership has been prosecuted for or convicted of the offence.

1996 cG-0.5 s117

**Responsibility of licensee**

**121** If an employee or an agent of a licensee contravenes a provision of this Act, the licensee is deemed also to have contravened the provision unless the licensee establishes on a balance of probabilities that the licensee took all reasonable steps to prevent the employee or agent from contravening the provision.

1996 cG-0.5 s118

**Responsibility of occupant**

**122(1)** In this section, “occupant” means a person who is entitled to occupy a building that is not licensed premises or a licensed facility.

**(2)** If an employee or agent of an occupant contravenes a provision of this Act in the building of an occupant, the occupant is deemed also to have contravened the provision unless the occupant can

establish on a balance of probabilities that the occupant took all reasonable steps to prevent the employee or agent from contravening the provision.

1996 cG-0.5 s119

## Prosecution and Evidence

### Description of offence

**123(1)** In describing an offence respecting

- (a) the sale or keeping for sale or other disposal of liquor, or
- (b) the purchasing, giving, receiving, possessing, storing, transporting, using, consuming or importing of liquor,

in any information, summons, conviction, warrant or proceeding under this Act, it is not necessary to state the name or kind of liquor or the price of it.

**(2)** It is not necessary to state in any information, summons, conviction, warrant or proceeding under this Act

- (a) the person to whom liquor was sold or disposed of,
- (b) the person by whom liquor was taken or consumed,
- (c) the person from whom liquor was purchased or received, or
- (d) the quantity of liquor sold, kept for sale, disposed of, purchased, given, received, possessed, stored, transported, used, consumed or imported except in the case of offences where the quantity is essential, and then it is sufficient to allege that the liquor was more or less than that quantity.

1996 cG-0.5 s120

### Certificate of analysis

**124(1)** The Minister may designate any person to act as an analyst with respect to any analysis or description of any ingredient, quality or quantity of any substance for the purposes of or in connection with this Act.

**(2)** In every prosecution under this Act, the certificate of analysis furnished by an analyst designated under subsection (1) must be accepted as proof, in the absence of evidence to the contrary, of the facts stated in it and of the authority of the person giving or issuing the certificate without proof of the appointment or signature of the analyst.

1996 cG-0.5 s121

**Evidence by certificate**

**125(1)** A copy of a book, document, voucher or other paper obtained under this Act and certified by an inspector to be a true copy must be admitted in evidence in any action, proceeding or prosecution under this Act as proof, in the absence of evidence to the contrary, of the original record without proof of the appointment or signature of the inspector.

**(2)** A certificate purporting to be signed by the chief executive officer or a person authorized by the chief executive officer that sets out any action or decision of the Commission or the board must be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or the official character of the person signing it.

1996 cG-0.5 s122

**Actions against a corporation**

**126** In all prosecutions under this Act against a corporation, each summons, warrant, order, writ or other document may be served on the corporation

- (a) by being delivered to an officer, attorney or agent of the corporation within Alberta,
- (b) by being left at any place within Alberta where the corporation carries on any business,
- (c) by being left at the registered office of the corporation, or
- (d) in any other manner authorized by law.

1996 cG-0.5 s123

**Proof of incorporation**

**127** In any prosecution, action or proceeding under this Act in which it is alleged that a corporation is or has been guilty of an offence under this Act, the fact of the incorporation of the corporation must be presumed, unless satisfactory proof is produced to the contrary.

1996 cG-0.5 s124

**Disposition of fines**

**128(1)** Subject to the regulations, a fine imposed and collected pursuant to a conviction for an offence occurring in a municipality enures to the benefit of the municipality.

**(2)** Any fine or penalty imposed under this Act on a conviction for an offence occurring in an Indian reserve or Metis settlement elsewhere than on a provincial highway under the *Highways*

*Development and Protection Act* enures to the benefit of the Indian band or Metis settlement.

RSA 2000 cG-1 s128;2004 cH-8.5 s66

**Board decision to be final**

**128.1** A decision of the board under this Act is final.

2002 c15 s35

## **Part 6 Regulations**

**Lieutenant Governor in Council regulations**

**129(1)** The Lieutenant Governor in Council may make regulations

- (a) defining, for the purposes of this Act, words and phrases that are not defined in the Act;
- (b) specifying, for the purposes of the definition of gaming supplies in section 1(1)(j), things that are not gaming supplies;
- (c) specifying, for the purposes of the definition of gaming worker in section 1(1)(k), persons who are not gaming workers;
- (d) prescribing the percentage of alcohol by volume for the purposes of the definition of liquor in section 1(1)(q);
- (e) specifying connections for the purposes of the definition of liquor supplier in section 1(1)(t);
- (f) establishing classes of gaming licences, facility licences and liquor licences;
- (g) establishing classes of registration in respect of
  - (i) gaming workers,
  - (i.1) persons who provide gaming workers to gaming licensees,
  - (ii) people who deal in gaming terminals or gaming supplies, and
  - (iii) liquor agents who are required to be registered under Part 3;
- (h) respecting application procedures for licences and registration, including requirements relating to the



- advertising of applications and procedures for obtaining and dealing with public responses to applications;
- (i) respecting conditions and eligibility requirements that must be met before a licence is issued or a person is registered;
  - (j) respecting when licences and registrations expire, the transfer of licences and the posting of licences, notices and information by licensees and registrants;
  - (k) respecting conditions that may be imposed on registrations;
  - (l) respecting fees for licences and registrations;
  - (m) respecting the requirements and consequences that apply despite anything in this Act
    - (i) if a licensee sells or assigns the business under which the activities authorized by the licence are carried out, or becomes dispossessed of the business by bankruptcy or operation of law, or
    - (ii) if a licensee who is an individual dies;
  - (n) respecting relationships and activities between
    - (i) liquor suppliers, their officers, directors and employees and liquor agencies and representatives that are required to be registered under Part 3, and
    - (ii) liquor licensees and their businesses and property, and the board, the Commission and its employees or agents;
  - (o) respecting relationships and activities between
    - (i) liquor licensees and their officers, directors and employees, and
    - (ii) the board, the Commission, its employees and persons who provide services for or on behalf of the Commission;
  - (p) respecting agreements between liquor suppliers and liquor licensees that are permitted for the purposes of section 66;
  - (q) respecting the days and hours when liquor may be sold, given or consumed on licensed premises;

- (r) authorizing a municipality to pass bylaws in respect of specified classes of events and classes of licensed premises that prescribe
  - (i) the hours of sale and consumption of liquor on the licensed premises, and
  - (ii) the areas of the licensed premises where the sale and consumption of liquor may occur;
- (r.1) restricting the application of section 69.1 to licensed premises and categories of licensed premises prescribed in those regulations;
- (r.2) setting out categories of information for the purposes of section 69.1(4);
- (r.3) respecting the collection, use and disclosure of information under section 69.2;
- (s) prescribing, for the purposes of section 71,
  - (i) classes of licensed premises, and
  - (ii) when a liquor licensee or an employee or agent of a liquor licensee may be in licensed premises;
- (t) respecting the quantities of wine, cider and beer that an adult may make under section 86(1);
- (u) respecting the kind and quantity of liquor that an adult may import under section 86(3);
- (v) respecting gifts of liquor;
- (w) respecting licensed premises and facilities, including the persons who may be on licensed premises or facilities, the food service at licensed premises or facilities and the activities that may be carried on in and near licensed premises or facilities;
- (x) respecting the display, manufacture, import, purchase, sale, transport, giving, possession, storage, use and consumption of liquor;
- (y) designating sections in the regulations the contravention of which is an offence;
- (z) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) Regulations under this section may apply generally or to a specific licensee or registrant, specific licensed premises or a specific licensed facility or a specific circumstance or situation.

RSA 2000 cG-1 s129;2002 c15 s36;2009 c23 s21

### **Board regulations**

**130** The board may make regulations

- (a) excluding products from the definition of liquor for the purpose of section 1(1)(q);
- (b) specifying the provisions of this Act that apply to a class or type of liquor;
- (c) establishing provisions that are in addition to or replace provisions of this Act in respect of a class or type of liquor.

1996 cG-0.5 s127



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