

2020 Bill 2

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 2

GAMING, LIQUOR AND CANNABIS AMENDMENT ACT, 2020

THE ASSOCIATE MINISTER OF RED TAPE REDUCTION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 2

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2020

GAMING, LIQUOR AND CANNABIS AMENDMENT ACT, 2020

(Assented to , 2020)

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

Amends RSA 2000 cG-1

1 The *Gaming, Liquor and Cannabis Act* is amended by this
Act.

2 Section 54 is repealed.

3 Section 55 is amended by striking out “sections 56 to 59”
and substituting “section 56”.

Explanatory Notes

1 Amends chapter G-1 of the Revised Statutes of Alberta 2000.

2 Section 54 presently reads:

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.

3 Section 55 presently reads:

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.

4 Sections 56 to 59 are repealed and the following is substituted:

Areas where there are no liquor licences

56(1) Subject to subsections (6) to (8), 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.

(2) The municipality, Metis settlement or Indian band has 90 days after the application has been referred to it to advise the board whether it approves of the issuing of the liquor licence.

(3) If the municipality, Metis settlement or 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.

(4) If the municipality, Metis settlement or Indian band

- (a) does not advise the board of its decision within the 90 days, or
- (b) 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 municipality, Metis settlement or Indian reserve for 3 years from the date that the board referred the application under subsection (1) to the municipality, Metis settlement or Indian band.

(5) Despite subsection (4), the board may issue a licence or accept an application for a licence that would authorize licensed premises in the municipality, Metis settlement or Indian reserve after the 90 days referred to in that subsection and within the 3 years referred to in that subsection if the municipality, Metis settlement or Indian band advises the board that it approves of the issuing of a liquor licence.

(6) The board may not issue a licence or accept an application for a licence that would authorize licensed premises in the municipality, Metis settlement or Indian reserve for 3 years

4 Sections 56 to 59 presently read:

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.*

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.*

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

from the date that the board referred an application for a licence to

- (a) the municipality under section 57 as it read immediately before the coming into force of this section if the municipality held the vote as required by that section and the majority of the electors voting opposed the liquor licence being issued,
- (b) the Metis settlement under section 58 as it read immediately before the coming into force of this section if the Metis settlement held the vote as required by that section and a majority of the settlement members voting opposed the liquor licence being issued, or
- (c) the Indian band under section 59 as it read immediately before the coming into force of this section if the Indian band did not advise the board of its decision within 90 days of the referral, or if the band advised the board within the 90 days that it did not approve of the issuing of the liquor licence.

(7) Subsections (1) to (6) apply to an application received after this section comes into force for a liquor licence for proposed licensed premises in a municipality, Metis settlement or Indian reserve in which there are no licensed premises.

(8) Sections 55 to 60 as they read immediately before the coming into force of this section continue to apply, as appropriate, to an application received before this section comes into force for a liquor licence for proposed licensed premises in a municipality, Metis settlement or Indian reserve in which there are no licensed premises as if sections 55 and 60 had not been amended and sections 56 to 59 had not been repealed.

5 Section 60 is amended

- (a) **by striking out** “sections 57 to 59” **and substituting** “section 56”;
- (b) **by striking out** “those sections” **and substituting** “that section”.

- (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.*

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.

5 Section 60 presently reads:

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.

6 Section 61(3) is amended by adding “or at any time during the term of the licence” **after** “When issuing a liquor licence”.

7 The following is added after section 85:

Raffle of liquor

85.1 Subject to the regulations, a person other than a minor may under a raffle licence issued under this Act raffle as a prize liquor that was lawfully made, purchased or imported and a person other than a minor may be awarded a prize of this liquor.

8 Section 89 is amended

- (a) **in subsection (2) by striking out** “with food” **wherever it occurs;**
- (b) **in subsection (3) by striking out** “or is not consuming food while consuming liquor in a designated picnic area”.

9 Section 129(1) is amended

- (a) **in clause (l) by adding** “, including who may set or determine those fees” **after** “registrations”;
- (b) **in clause (v) by adding** “and raffles” **after** “gifts”;

6 Section 61(3) presently reads:

(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).

7 Raffle of liquor.

8 Section 89 presently reads in part:

(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.

9 Section 129(1) presently reads in part:

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

(l) respecting fees for licences and registrations;

(v) respecting gifts of liquor;

(c) by adding the following after clause (w):

- (w.1) respecting the disentitlement of a person to the awarding of a prize or to the payment of winnings from that person's participation in gaming occurring in a licensed facility or licensed premises where the person is prohibited by the regulations from entering into or remaining in the licensed facility or licensed premises;

10 This Act has effect on April 1, 2020.

(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;

10 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
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Stage	Date	Member	From	To
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