



ALERT

June 2011

This month the Ontario government updated the alcohol laws that currently govern the way alcohol is served in this province. These changes were designed to modernize the current liquor laws and to "...eliminate unnecessary barriers for special events, festivals and licensed establishments". *Ministry of the Attorney General, News Release, May 27, 2011.*

These changes will potentially impact any Special Events Policy or Alcohol Liability Policy a municipality has in place. They could also impact the rules regarding alcohol on permits issued by municipalities.

Effective **June 1, 2011**, the following changes were brought in:

- Holders of Special Occasion Permits (SOP) for special events such as weddings and charity fundraisers can serve alcohol for an **extra hour until 2 a.m.** They will also be able to start serving as early as 11 a.m. on Sunday.
- All-inclusive vacation packages, that include the price of alcohol, can now be sold in Ontario.
- Restaurant and bar servers can carry drinks on public sidewalks to licensed areas such as patios.
- Street festivals can allow people to leave their bar or restaurant with a drink in hand, providing specified conditions are met to ensure public safety.
- Festivals and events can define an area larger than beer tents where people can walk around freely with drinks. Local communities are free to customize the events to their needs.
- Boat tours can begin serving alcohol before the boat leaves the dock.
- Businesses, such as spas and art galleries, that are not mainly in the food and alcohol business will be able to apply for an SOP to serve alcohol during a special event.
- First Nations status card, Ministry of Transportation (MTO) photo cards and permanent resident cards can be used as proof of age.
- Venues with tiered seating such as stadiums and theatres can now apply for SOPs.
- The Alcohol and Gaming Commission of Ontario (AGCO) will now be allowed to impose risk-based conditions on event holders and levy fines for offences at these events.

Municipalities are encouraged to review their current policies and to make changes where necessary. For example, the start and end times for functions involving the sale of alcohol will need to be updated. Security for street festivals will need to be reviewed in order to ensure that there are proper conditions in place to ensure public safety. For example, your security teams will no longer be manning one or two entry points at a beer tent. They will need to be trained to deal with alcohol consumption in a crowd setting. The pre-festival inspection takes on a greater role as the areas where people are permitted to carry alcohol should be inspected with the intended use in mind. The details of the inspection should be well documented. The listing of acceptable ID's within your policy should be updated as well.

It is important that you review your facilities with tiered seating. It is recommended that you review the current operating procedures to determine what, if any, changes need to be made taking alcohol consumption into consideration.

The AGCO is hosting free education seminars across the province to help those who sell alcohol better understand their responsibilities. To view the dates and locations of this training session, please see the attached PDF document.

Further changes are scheduled to come into effect on **August 2, 2011**. They are as follows:

- Public events will be required to give more advance notice to municipalities and local officials such as police — up from 21 to 30 days for events under 5,000 people, and 60 days for events with 5,000 or more people.
- Businesses, such as galleries and spas, that are not mainly in the food and alcohol business will become eligible to apply for ongoing liquor sales licenses, as opposed to an SOP for a one-time event, and the restrictions on the use of tiered seating in licensed establishments will be eliminated.

At this time, you should review your permit wordings and process to ensure that all of the changes from June 1 and August 2 are represented. You may consider reviewing the related content on your web-site to ensure that it is up to date and reflects any new policies or procedures. For example, you will want to educate your users on all the changes, specifically the extended reporting period you may now request for larger events. These extended events will give you more time to ensure that your municipality, the police force and the organizers can work together to ensure the safety of all participants. It is recommended that you establish contact with the organizers of annual events to discuss how your municipality is adopting these changes. This may help to alleviate any issues surrounding the event and the changes to the Liquor Laws.

On July 1, 2012, the final changes will come into effect. They are as follows:

- The categories for SOPs will be streamlined. Private events and industry promotional events categories will replace the current reception, trade show, consumer show and market-research event categories.
- Permits will be able to be issued for multiple day events, and the carryover of liquor will be allowed between occurrences.
- Applications for SOPs can now be made at any Liquor Control Board of Ontario (LCBO) store. Applicants are no longer limited to the LCBO location where the event will occur.

As with all change, only the future will reveal the full impact. It is recommended that you review your policies again after the first few events or after your first large event to determine if further changes are required.

If you need assistance, please do not hesitate to contact Shannon Devane, Director of Risk, Ontario Municipal Insurance Exchange at 905 480 0060 ext 235 or by e-mail shannon@omex.org.