



BILL NO. 52

Government Bill

*1st Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act

CHAPTER 18
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 1, 2014**

The Honourable Diana Whalen
Minister responsible for the Liquor Control Act

*Halifax, Nova Scotia
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**An Act to Amend Chapter 260
of the Revised Statutes, 1989,
the Liquor Control Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 260 of the Revised Statutes, 1989, the *Liquor Control Act*, as amended by Chapter 28 of the Acts of 2000, Chapter 4 of the Acts of 2001, Chapter 30 of the Acts of 2002, Chapter 21 of the Acts of 2011 and Chapter 8 of the Acts of 2012, is further amended by

(a) adding immediately after clause (e) the following clause:

(ea) “ferment-on-premises facility” means premises, operated for profit, on which equipment is provided to individuals for the making of beer or wine for personal consumption;

and

(b) adding “or to operate a ferment-on-premises facility” immediately after “liquor” in the second line of clause (j).

2 Subclause 14(1)(a)(i) of Chapter 260, as enacted by Chapter 21 of the Acts of 2011, is amended by adding “or for the operation of a ferment-on-premises facility” immediately after “premises” in the second line.

3 (1) Clause 47(1)(a) of Chapter 260, as enacted by Chapter 21 of the Acts of 2011, is amended by striking out “to sell liquor” in the second line.

(2) Subsection 47(2) of Chapter 260 is repealed and the following subsections substituted:

(2) The holder of a license granted pursuant to this Act and that is in force may either

(a) have and sell liquor on the premises in respect of which such license is in effect for consumption on those premises; or

(b) operate a ferment-on-premises facility,

subject to the terms and conditions of the license and the provisions of this Act and the regulations.

(2A) Notwithstanding subsection (2), a person may hold separate licenses to have and sell liquor in accordance with clause (a) of subsection (2) and to operate a ferment-on-premises facility, if the licenses are not granted in relation to the same premises.

(2B) No person shall operate a ferment-on-premises facility except under the authority of a license to operate such a facility.

4 Subsection 48(1) of Chapter 260, as amended by Chapter 21 of the Acts of 2011, is further amended by

- (a) striking out the period at the end of clause (h) and substituting a semicolon; and**
- (b) adding immediately after clause (h) the following clause:**
 - (i) ferment-on-premises license – that shall permit the licensee to operate a ferment-on-premises facility to provide goods, equipment, facilities and services to individuals manufacturing beer or wine on the premises, subject to the terms and conditions specified in the license.

5 Subsection 49(10) of Chapter 260, as amended by Chapter 28 of the Acts of 2000 and Chapter 21 of the Acts of 2011, is further amended by

- (a) striking out “or to” the second time it appears in the fifth line and substituting a comma; and**
- (b) adding “or an application for a ferment-on-premises license” immediately after “license” in the last line.**

6 Section 50 of Chapter 260, as amended by Chapter 28 of the Acts of 2000, Chapter 42 of the Acts of 2007, Chapter 21 of the Acts of 2011 and Chapter 43 of the Acts of 2012, is further amended by

- (a) adding “, ferment-on-premises licenses” immediately after “licenses” the first time it appears in the fifth line of clause (a);**
- (b) adding immediately after clause (gd) the following clauses:**
 - (ge) prescribing information and returns respecting the operation of a ferment-on-premises facility that a licensee operating a facility is required to provide to the Executive Director;
 - (gf) respecting the advertisement of goods and services provided in connection with the making of beer and wine at a ferment-on-premises facility and requiring that advertisements meet any conditions imposed by the Executive Director;
 - (gg) prescribing the qualifications and duties of persons who work in ferment-on-premises facilities;
 - (gh) prescribing standards for ferment-on-premises facilities;
 - (gi) prescribing, restricting or prohibiting methods and practices in connection with the making of beer or wine at ferment-on-premises facilities;
 - (gj) respecting the sampling or tasting of beer or wine on the premises of a ferment-on-premises facility;
 - (gk) respecting the possession, storage, removal and consumption of beer or wine at a ferment-on-premises facility;
 - (gl) prohibiting operators of ferment-on-premises facilities and their employees and agents from offering or giving inducements or engaging in pre-

scribed practices with respect to the provision of any service provided at such a facility, and prescribing such practices;

(gm) prescribing the days and hours during which ferment-on-premises facilities may operate;

and

(c) adding immediately after clause (lf) the following clause:

(lg) respecting the establishment and administration of a system of administrative penalties applicable to holders of a ferment-on-premises license, including, without limiting the generality of the foregoing,

- (i) how administrative penalties may be imposed,
- (ii) the content of notices of administrative penalties,
- (iii) the dollar amount of administrative penalties,
- (iv) how an administrative penalty may be revoked, and
- (v) the appeal of administrative penalties.

7 Section 89 of Chapter 260, as amended by Chapter 33 of the Acts of 1990, is further amended by adding immediately after subsection (4) the following subsections:

(5) No licensee of a ferment-on-premises facility or employee or agent of such a licensee shall permit a person under the age of nineteen years to use the facility for the making of beer or wine.

(6) Subsection (5) does not preclude a person under the age of nineteen years from entering or being in a ferment-on-premises facility if the person is in the company of a parent or guardian.

8 Section 107A of Chapter 260 is repealed.

9 Chapter 260 is further amended by striking out “and Municipal Relations” wherever it appears in that Act.

10 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
