

# EXPLANATORY NOTES

## Bill No. 29

### An Act to amend *The Alcohol and Gaming Regulation Act, 1997*

#### Clause Of Bill

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- 1 *The Tailgating Act.*
- 2 *The Alcohol and Gaming Regulation Act, 1997 – SS 1997, c.A-18.011*
- 3 **Existing Provision**

#### Power to enter into agreements - domestic matters

19.1(1) In this section:

“beverage alcohol” means beverage alcohol imported into Saskatchewan in accordance with clause 133.1(2)(f); (« boisson alcoolisée »)

“participating jurisdiction” means:

(a) the Government of Canada or an agency of it; or

(b) the government of any other province or any territory of Canada or an agency of it. (« gouvernement participant »)

(2) The authority may enter into an agreement with a participating jurisdiction with respect to beverage alcohol to be imported into Saskatchewan in accordance with clause 133.1(2)(f).

(3) An agreement entered into pursuant to subsection (2) must include provisions:

(a) identifying the beverage alcohol or kinds of beverage alcohol covered by the agreement;

(b) authorizing the participating jurisdiction to do the following on behalf of the authority:

(i) to collect and remit to the authority the mark-up set by the authority for the beverage alcohol;

(ii) to review and audit the permittees located outside Saskatchewan who are authorized to sell and ship the beverage alcohol into Saskatchewan;

(iii) to review and audit the permittees who are authorized to transport

the beverage alcohol into Saskatchewan acquired from the permittees mentioned in subclause (ii);

(c) prescribing the manner in which and times at which a mark-up collected pursuant to subclause (b)(i) must be remitted to the authority; and

(d) prescribing the forms to be used in relation to the beverage alcohol.

(4) For the purpose of this section, the authority may set mark-ups on the price of the beverage alcohol.

2015, c.1, s.3; 2020, c17, s.4.

### **Explanation**

The proposed amendment will remove detailed operational requirements related to interprovincial Direct to Consumer agreements as outlined in subsection 19.1(3). The requirements for agreements in this subsection (3) are prescriptive and limit Saskatchewan's ability to negotiate operating agreements that align with provincial trade priorities. Repealing this subsection and incorporating its provisions into regulations will give Government greater flexibility to adapt as DTC operating agreements evolve.

### **4 Existing Provision**

#### **Only beverage alcohol made available by permittee to be consumed in permitted premises.**

**116.1** Subject to section 116.2, no person shall have, consume or give beverage alcohol in a permitted premises or premises subject to a special occasion permit other than beverage alcohol that the permittee has made available for sale or otherwise served.

1997, c.A-18.011, s.116.

### **Explanation**

The proposed amendment to section 116.1 recognizes that exceptions to section 116.1 may also be contained in the regulations. Combined with new regulation making authority, parameters that will allow individuals to bring their alcohol to permitted tailgating events will be created.

### **5 Existing Provision**

#### **Circumstances in which permittee may allow customers to bring own wine.**

**116.2(1)** In this section, a person's "own wine" means wine that is not purchased from or otherwise served by the permittee.

(2) Subject to the regulations, a person may bring and consume his or her own wine at a permitted premises if:

- (a) the permit issued with respect to the permitted premises is within a class of permits prescribed in the regulations for the purposes of this section; and
- (b) in accordance with the permit, the permittee allows persons to bring and consume their own wine at the permitted premises.

(3) A permittee who allows a person to bring and consume the person's own wine at the permitted premises shall, on the person's request, reseal that bottle of wine in such a manner that the bottle cannot be opened without disturbing, removing or tampering with the seal.

(4) A person may remove his or her own wine from the permitted premises if the person's bottle of wine has been resealed in accordance with subsection (3).

(5) The permittee shall immediately destroy any beverage alcohol mentioned in this section that is left by a person at the permitted premises.

(6) If a person at the permitted premises appears to be intoxicated, neither the permittee nor the employees of the permittee shall allow the person to consume any beverage alcohol sold or supplied at the permitted premises or brought onto the permitted premises in accordance with this section.

2013, c.2, s.10; 2023, c14, s.27.

## **Explanation**

The proposed amendments to section 116.2 enhance existing provisions by confirming that existing permittee responsibilities regarding minors and intoxicated individuals extend to situations where individuals have brought their own wine into a premises.

## **6 Existing Provision**

### **Intoxicated in public places**

**126(1)** No person shall be in an intoxicated condition in a public place or on any permitted premises.

(2) No permittee or employee of a permittee shall allow a person who appears to be intoxicated to:

- (a) possess or consume beverage alcohol on the permitted premises; or

(b) remain on the permitted premises except in accordance with the standards set by the authority.

2014, c.7, s.47.

### **Explanation**

The amendment to section 126 clarifies that intoxicated persons cannot be present on premises that are subject to special occasion permits. This is consistent with the requirement already in place for commercially permitted premises (e.g., taverns, restaurants, etc.).

### **7 Existing Provision**

#### **Circumstances in which permittee may allow customers to bring own wine.**

**129(1)** Subject to subsection (2), no permittee or employee of a permittee shall:

- (a) have on the premises beverage alcohol not purchased in accordance with section 67;
- (b) sell beverage alcohol not purchased in accordance with section 67;
- (c) sell or provide beverage alcohol to a person who is a minor;
- (d) sell or supply beverage alcohol during prohibited hours or days; or
- (e) serve any of the following except at an event for which the permittee holds a particular type of special occasion permit that authorizes the service:
  - (i) homemade beer or wine;
  - (ii) beer or wine manufactured at a u-brew or u-vin operation.

(2) A permittee, at the time of purchasing or leasing premises for which a permit has been issued to the permittee, may purchase from the vendor or former lessee of the premises any beverage alcohol that the vendor or former lessee has for the purpose of sale pursuant to the vendor's or former lessee's permit at the date of termination of that permit.

2016, c.4, s.29; 2023, c14, s.28.

### **Explanation**

The proposed amendment will allow for the creation of regulations to allow for tailgating at special occasion events, and will clarify that certain commercial permittees can allow customer-provided wine on the premises without expanding the exception to include other kinds of alcohol.

## **8**      **Existing Provision**

### **Circumstances in which permittee may allow customers to bring own wine.**

**185(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) respecting classes of permits and the rights, terms and obligations respecting each class of permits;
- (c) respecting the powers of the authority to issue classes of permits;
- (d) respecting the terms under which the authority may issue certain permits or grant certain endorsements or transfers of permits;
- (e) respecting the power of the authority to set additional terms respecting individual permits or endorsements or classes of permits or endorsements;
  - (e.1) Repealed. 2016, c4, s36.
  - (e.2) for the purposes of subsection 19(2.1), prescribing the conditions on which the authority may establish, and the procedures to be followed by the authority in establishing, processes for the allocation of permits and endorsements;
- (f) respecting the powers of the authority to suspend or cancel individual permits or endorsements;
  - (f.1) prescribing penalties that may be assessed by the authority, a First Nation gaming licensing authority or the commission;
  - (f.2) respecting the forms to be used for an application for review or an application for an oral hearing; (g) Repealed. 2008, c8, s29.
- (h) respecting the information required to be supplied by an applicant for a permit, endorsement or transfer of a permit and the forms to be used for the application;
  - (h.01) prescribing the qualifications required of applicants for any category of permit, endorsement, licence or registration;
    - (h.1) prescribing notice requirements for the purposes of this Act;
  - (i) limiting the quantities of any item mentioned in clauses 90(b) to (e) that may be sold by any person mentioned in those clauses;
  - (j) prescribing the particulars to be provided by an applicant on an application for a licence;
  - (k) determining the duration of licences or permits issued pursuant to this Act; (l)

prescribing terms respecting licences, permits or endorsements issued pursuant to this Act;

(m) prescribing restrictions respecting authority of permittees to purchase, keep and sell beverage alcohol;

(n) prescribing the manner in which the restocking fee mentioned in subsection 65(2) is calculated;

(o) respecting endorsements of rights and restrictions to be placed on permits; (o.1) prescribing reviewable endorsements for the purpose of this Act; (o.2) Repealed. 2023, c14, s31.

(p) respecting permits relating to premises that are destroyed; (q) respecting permits where any permittee has died;

(q.1) prescribing the circumstances in which the authority may authorize the transfer of a permit in accordance with section 69.1;

(q.2) respecting the powers of the authority to grant a transfer of a permit;

(q.3) prescribing terms and conditions on permits and reviewable endorsements that are transferred pursuant to section 69.1;

(q.4) respecting the power of the authority to set additional terms and conditions respecting permits that are transferred pursuant to section 69.1;

(q.5) respecting the information required to be supplied by an applicant for a transfer of a permit and the forms to be used for the application;

(r) prescribing and requiring returns by manufacturers; (s) authorizing the presence of persons in permitted premises;

(s) authorizing the presence of persons in permitted premises;

(t) prescribing the area and seating capacity for permitted premises;

(u) providing for the possession, sale and keeping for sale of beverage alcohol for compounding purposes;

(v) prescribing the fees:

(i) for licences, permits and endorsements, for applications for licences, permits, endorsements and transfers of permits and any other fees required to be paid by licensees or permittees;

(ii) to be paid by applicants for certificates of registration;

(iii) payable for any goods, materials or services provided by the authority to any person; and

(iv) for the purposes of clause 31((1)(c), payable to the commission respecting

applications for review;

(w) prescribing the qualifications of club premises respecting permits issued to clubs pursuant to this Act;

(x) prescribing the quantities and manner of sale of beverage alcohol in closed containers;

(x.1) prescribing beverage alcohol or classes of beverage alcohol for the purposes of subsection 74(2);

(x.2) prescribing permits or classes of permits for the purposes of clause 75(5)(a);

(y) for the purposes of sections 77 to 80, prescribing all or any of the following:

(i) the kind and maximum amount of beverage alcohol that may be kept, dispensed, used, sold or prescribed for medical use;

(ii) any other term or condition pursuant to which the beverage alcohol may be kept, dispensed, used, sold or prescribed for medical use;

(y.01) for the purposes of section 84, prescribing all or any of the following:

(i) respecting the designation by entities of outdoor public places where beverage alcohol may be consumed, including imposing conditions and limitations on the power of entities to make such designations; and

(ii) prescribing the hours within which entities may allow beverage alcohol to be consumed in designated outdoor public places;

(y.2) exempting any person, class of persons, beverage alcohol or kind of beverage alcohol from all or any provision of the regulations made pursuant to clause (y.1);

(z) respecting terms and conditions governing:

(i) the purchase of beverage alcohol by retail stores; and

(ii) the sale of beverage alcohol by retail stores;

(z.01) for the purposes of section 116.2, governing the circumstances in which persons may bring and consume their own wine at a permitted premises, including prescribing the class or classes of permits with respect to which the section applies;

(z.1) prescribing permittees for the purpose of subsection 129(2);

(aa) prescribing an oath or affirmation of office for members of the commission and members and employees of the authority;

(bb) prescribing the tolerance period for consumption of beverage alcohol served in a permitted premises prior to the closing hour;

(cc) prescribing the days and hours during which beverage alcohol may be sold by a

permittee;

(dd) prescribing the days and hours during which a permittee may open his or her permitted premises;

(ee) providing for the operation of a hospitality suite by a manufacturer; (ff) Repealed. 2016, c4, s36.

(gg) prescribing the kinds of beverage alcohol that may be sold by the container by a permittee;

(hh) respecting any aspect or matter relating to the manufacture of beverage alcohol;

(ii) prescribing standards with which brewers associations that sell or deliver beer pursuant to section 91 must comply;

(jj) requiring any of the following to be bonded:

(i) registrants;

(ii) on-reserve registrants;

(iii) categories of registrants;

(iv) categories of on-reserve registrants;

(jj.1) respecting classes of certificates of registration and on-reserve certificates of registration, and the rights, terms, conditions and obligations respecting each class;

(ii) respecting the powers of the authority to issue classes of certificates of registration;

(jj.3) respecting the powers of a First Nation gaming licensing authority to issue on-reserve certificates of registration;

(kk) prescribing the circumstances in which a person to whom a licence is issued for the operation or conduct and management of a lottery scheme is required to be registered as gaming employee, supplier or gaming director;

(kk.1) prescribing the circumstances in which a person to whom an on-reserve charitable gaming licence is issued for the operation or conduct and management of a lottery scheme is required to be registered as an on-reserve employee or an on-reserve supplier;

(ll) prescribing:

(i) the lottery schemes that may be conducted and managed by the authority on behalf of the Government of Saskatchewan; and

(ii) the games, operations and gaming equipment to be used in the conduct of the lottery schemes;

(mm) fixing a maximum number of gaming establishments or any category of gaming establishments that may operate in Saskatchewan or any part of Saskatchewan;



(nn) exempting any person or category of persons from this Act or any provision of this Act, including exempting any person or category of persons from the requirement to obtain a certificate of registration or an on-reserve certificate of registration pursuant to this Act, and prescribing the terms and conditions of any exemption;

(nn.1) authorizing the authority to impose any additional terms and conditions on an exemption mentioned in clause (nn) and requiring compliance with those terms and conditions;

(nn.11) authorizing a First Nation gaming licensing authority to impose any additional terms and conditions on an exemption mentioned in clause (nn) respecting an on-reserve certificate of registration and requiring compliance with those terms and conditions;

(nn.2) respecting the costs that the authority may charge for any inquiry or investigation that the authority makes or conducts in accordance with subsection 146(2);

(nn.3) respecting the power of the authority to issue certificates of registration on a temporary basis, and the terms and conditions pursuant to which the authority may issue those certificates of registration;

(nn.31) respecting the power of a First Nation gaming licensing authority to issue on-reserve certificates of registration on a temporary basis, and the terms and conditions pursuant to which a First Nation gaming licensing authority may issue those on-reserve certificates of registration;

(nn.4) prescribing a code of conduct and ethical behaviour for employees of the authority;

(nn.5) for the purpose of clause 147.2(3)(b), prescribing circumstances in which an operator, within the meaning of that section, shall refuse a person access to a casino or ask a person to leave a casino immediately, prescribing the period during which that person shall be refused access to a casino and prescribing whether or not the person may apply to the commission for a review of the operator's determination in those circumstances to deny that person access to a casino;

(oo) respecting lottery schemes operated or conducted and managed by Lotteries and Gaming Saskatchewan;

(pp) governing the Lotteries and Gaming Saskatchewan's operation or conduct and management of lottery schemes;

(qq) prescribing the terms and conditions pursuant to which a supplier may supply gaming supplies or services or non-gaming supplies or services, as the case may be, to Lotteries and Gaming Saskatchewan;

(rr) respecting individuals participating in lottery schemes conducted and managed by

Lotteries and Gaming Saskatchewan, including prohibiting classes of individuals from participating in lottery schemes or from being in any place where a lottery scheme or any class of lottery schemes is being conducted and managed by Lotteries and Gaming Saskatchewan;

(rr.1) Repealed. 2014, c7, s59.

(rr.2) Repealed. 2023, c14, s31.

(rr.3) respecting applications made pursuant to section 156 requesting the release of beverage alcohol;

(ss) prescribing any other matter or thing that is required by this Act to be prescribed;

(tt) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1997, c.A-18.011, s.185; 1998, c.16, s.11; 2000, c.36, s.20;  
2002, c.42, s.28; 2003, c.15, s. 14; 2005, c.3, s.24; 2008,  
c.8, s.29; 2013, c.2, s.14; 2014, c.7, s.59; 2015, c.1, s.5;  
2016, c.4, s.36; 2018, c7, s.2; 2020, c17, s.10; 2023, c14,  
s.31; 2023, c35, s.2.

## **Explanation**

The new clauses add regulation making authority to establish terms and conditions for special occasion permits where tailgating is authorized and to establish circumstances for customers to bring and consume their own alcoholic beverages at permitted premises or premises subject to a special occasion permit.

## **9 Existing Provision**

**None**

## **Explanation**

Changes will come into force by order of the Lieutenant Governor in Council. The Bill will require regulatory amendments prior to implementation.

Prepared by the Saskatchewan Liquor and Gaming Authority