

Information on Wine Serving Licence

LIN: 0501

This notice is intended to provide information pertaining to changes under the *Liquor Control Act* and Regulations. The statements in this notice should be understood as the way the department interprets the legal requirement and obligations in the Act and Regulations. In all cases, the legislation should be reviewed to determine the proper application.

Introduction

The wine serving program was introduced to permit a person of legal age to take wine to the premises of a wine serving licensee for consumption with a meal. The wine must come from an approved source.

The licensee may charge a fee for opening and serving the wine.

Wine Serving Licence and Registration

A wine serving licence may only be issued to a person who holds no other liquor licence under the *Liquor Control Act* and

- offers a public food service, **OR**
- provides overnight accommodation.

To obtain a wine serving licence for a public food service establishment, a person must

- a. complete an application;
- b. be nineteen years old;
- c. provide written approval from the Department of Health;
- d. provide written approval from the fire marshal;
- e. provide written approval from the zoning authority;
- f. be the true owner of the land on which the premises is situated or provide a written permission from the true owner to operate a liquor licensed establishment on that land;
- g. have a kitchen and a dining area of such a size and be equipped with cooking utensils, tables, chairs, tableware, dishes and other facilities as to be suitable to accommodate and seat not less than twenty-five (25) patrons; and
- h. \$50 licence fee.

To obtain a wine serving licence for a business providing overnight accommodation, a person must

- a. complete an application;
- b. be nineteen years old;
- c. provide overnight accommodation for guests; and
- d. provide written approval from the Department of Health;
- e. provide written approval from the fire marshal;
- f. provide written approval from the zoning authority;
- g. be the true owner of the land on which the premises is situated or provide a written permission from the true owner to operate a liquor licensed establishment on that land; and
- h. \$50 licence fee.

Criteria for Carrying Wine into Licensed Premises

A person who is nineteen years old may take wine into the licensed premises of a wine serving licensee. The licensee may or may not permit patrons to bring wine into the licensed premises for consumption with a meal. The quantity of wine must not exceed more than 750 ml of wine per person who is nineteen years old and providing the:

- a) wine was
 - purchased lawfully within the Province,
 - brought lawfully into the Province, or
 - received in good faith as a gift,
- b) wine was manufactured and packaged
 - in the Province, by the holder of a winery licence, or
 - outside the Province, by an enterprise that is in the business of making and packaging wine in bulk for sale to the general public,
- c) bottle or package displays the label of the winery or the enterprise, or a label provided by the Alcohol NB Liquor,
- d) wine is contained in an unopened package and the seal, if any, on the package is unbroken, and
- e) wine is consumed by the person and by other patrons with a meal in the licensed premises.

NOTE: "Homemade" wine cannot be brought into the premises.

Approved Identification

A licensee must ensure staff demands proof of age when a person, who appears to be less than 19 years of age, attempts to take wine to the licensed premises. Photograph identification is the required type of identification.

Acceptable identification includes any one of the following:

- Photo Driver's Licence
- NB Identification Card issued by Service New Brunswick
- Passport with a photograph

Service of Wine

- A person must be seated and having a meal to be served wine in the licensed premises.
- The wine must be opened and served by the licensee or an employee of the licensee and a fee for opening and serving may be charged by the licensee.
- A person serving wine must be nineteen years of age or over.
- A person under the age of nineteen years may be served wine together with a meal, provided the person is accompanied by a parent or spouse of nineteen years of age or over. The wine must be provided by the parent or spouse.
- Unconsumed wine must be disposed of by the licensee and cannot be kept on the premises.

Hours of Service

The hours of service shall be every day between the hours of 6:00 a.m. and 2:00 a.m. the following day and the tolerance period shall be 30 minutes after the hour of 2:00 a.m. The hours of service are extended by one hour on the first day of January.

Fines

A licensee who violates the provisions of the *Liquor Control Act* or Regulations may be levied a fine or have his or her licence revoked for offences such as serving unapproved wine or serving those under the age of nineteen. Department of Justice and Public Safety Compliance Inspectors will visit locations to ensure compliance with legislation.

To apply for a wine serving licence, please contact:

Department of Justice and Public Safety
Community Safety Division
Gaming, Liquor and Security Licensing Branch
P. O. Box 6000
Fredericton, NB E3B 5H1

Telephone: (506) 453-7472

Fax: (506) 453-3044

Email: DPS-MSP.Information@gnb.ca