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2nd SESSION, 63rd GENERAL ASSEMBLY  
Province of Prince Edward Island  
58 ELIZABETH II, 2009

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**CHAPTER 77**

**(Bill No. 80)**

**An Act to Amend the Liquor Control Act (No. 2)**

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Honourable Allan V. Campbell  
Minister of Innovation and Advanced Learning

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GOVERNMENT BILL

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MICHAEL D. FAGAN  
Queen's Printer  
Charlottetown, Prince Edward Island



## CHAPTER 77

### An Act to Amend the Liquor Control Act (No. 2)

(Assented to May 15, 2009)

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

**1. Section 1 of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14 is amended by the addition of the following after clause (e.1):**

(e.2) “ferment on premises facility” means premises where equipment for the making of beer or wine on the premises is provided to individuals; <sup>ferment on premises facility</sup>

**2. Subsection 8(2) of the Act is amended**

**(a) by the addition of the following after clause (a):**

(a.1) requiring licensees operating a ferment on premises facility to provide the Commission with such information and returns respecting the operation of the facility as is prescribed;

**(b) by the addition of the following after clause (g):**

(g.1) controlling the advertising 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 conditions that may be imposed by the Commission;

**(c) by the addition of the following after clause (h):**

(h.1) prescribing the forms of identification acceptable as proof of the age of a person;

**(d) in clause (n), by the deletion of the words “types of licenses authorized” and the substitution of the words “classes of liquor licenses authorized”;**

**(e) in clause (p), by the addition of the words “, requirements” after the words “prescribing terms, conditions”;**

**(f) by the addition of the following after clause (p):**

(p.1) prescribing the qualifications and duties of persons who work in ferment on premises facilities;

(p.2) prescribing standards for ferment on premises facilities;

(p.3) prescribing, restricting or prohibiting methods and practices in connection with the making of beer or wine at ferment on premises facilities;

**(g) by the addition of the following after clause (q):**

(q.1) governing and regulating the sampling or tasting of beer or wine on the premises of a ferment on premises facility;

(q.2) regulating and controlling the possession, storage, removal and consumption of beer and wine at a ferment on premises facility;

(q.3) prohibiting operators of ferment on premises facilities and their employees and agents from offering or giving inducements or engaging in prescribed practices with respect to the provision of any service provided at such a facility;

**3. Section 10 of the Act is amended by the addition of the following after subsection (2):**

License required,  
ferment on premises  
facility

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

**4. Subsection 11(1) of the Act is amended**

**(a) in clause (l), by the deletion of the period and the substitution of a semicolon; and**

**(b) by the addition of the following after clause (l):**

(m) a ferment on premises license, which shall authorize the holder of the license to operate a ferment on premises facility to provide goods, facilities and services to persons producing or manufacturing beer or wine in the premises, subject to such terms and conditions as may be specified in the license.

**5. Clause 22(2)(d) of the Act is amended by the deletion of the words “the Act and regulations” and the substitution of the words “this Act and the regulations”.**

**6. Clause 33(2)(b) of the Act is amended by the addition of the words “or licensed ferment on premises facility” after the words “on the property of their principal dwelling-house”.**

**7. Section 40 of the Act is amended by the addition of the following after subsection (1):**

Person under 19,  
use of ferment on  
premises facility

(1.1) No licensee of a ferment on premises facility or employee or agent of such a licensee shall

- (a) knowingly permit a person under the age of nineteen years to use the facility for the making of beer or wine; or
- (b) permit a person who appears to be under the age of nineteen years to use the facility for the making of beer or wine.

(1.2) Subsection (1.1) 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.

Person under 19, in the company of a parent or guardian

**8. Subclause 51(1)(a)(vi) of the Act is amended by the deletion of the words “subsection 40(1) or (3)” and the substitution of the words “subsection 40(1), (1.1) or (3)”.**

**9. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**

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<i>STAGE:</i>	<i>DATE:</i>
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<i>3rd Reading and Pass:</i>	May 15, 2009
<i>Assent:</i>	May 15, 2009

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