



Licence Line

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S. Grace Kerr

Message from the Chair

It's been a busy year, full of great achievements here at the AGCO and for its many clients and stakeholders.

Noteworthy accomplishments include the launch of the first phase of our iAGCO online services, allowing for the issuance of Special Occasion Permits (SOPs) and manufacturer-related licences

through the online portal. To date, more than 17,900 SOPs and 730 manufacturer-related licences have been issued. Those are impressive numbers that bode well for future phases of iAGCO and online service delivery.

Another success story from 2017 is the Best Bar None (BBN) awards, with ceremonies held in Toronto, Ottawa and, for the first time ever, Windsor. BBN rewards excellence among liquor sales licensees for the safe and responsible service of alcohol. I would like to congratulate this year's winners, who are all listed in this issue.

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Holiday Season: Maintaining compliance with the law

HOLIDAY SEASON

As we come to the close of another busy year and the Holiday Season approaches, licensees and their staff are reminded that while it is a great time for customers and patrons to revisit old acquaintances and meet new friends, it is also very important to ensure that even during celebratory events, the focus remains on public safety, and the responsible sale and service of beverage alcohol.

The following are some things to keep in mind:

Responsible service

While New Year's Eve is a traditional time to celebrate and have fun, licensees and staff are reminded that permitting intoxication and promoting immoderate consumption are contrary to the *Liquor Licence Act* and can lead to administrative action against your establishment including, for example, a monetary penalty of up to \$6,000, or a proposal to suspend or revoke the Liquor Sales Licence.

New Year's Eve hours of operation

Licensed establishments can serve alcohol until 3:00 a.m. on New Year's Eve (December 31),



one hour later than normal service time (this does not apply to licensees who have a condition on their licence restricting the hours of alcohol sales service). For those who hold Special Occasion Permits (SOPs), the eligible hours for New Year's Eve service are also extended to 3:00 a.m.

Continued on p. 3 See [Holiday Season: Maintaining compliance with the law](#)

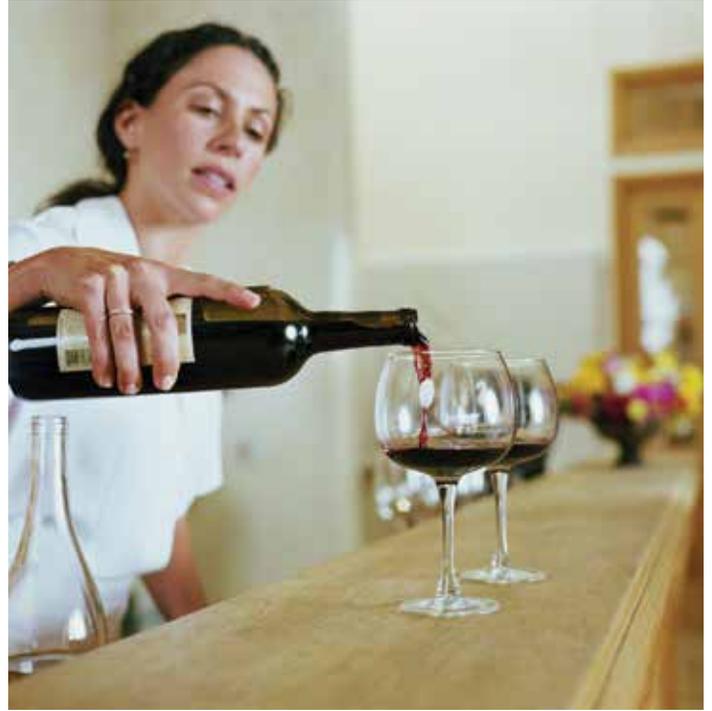
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Requirements for using a caterer's endorsement

If you are a liquor sales licensee with a caterer's endorsement, you may be busier than usual at this time of year catering holiday parties and celebrations. Be sure you remain compliant and keep your liquor licence in good standing by remembering the following:

- The holder of a caterer's endorsement is permitted to sell and serve liquor at events that are held in unlicensed areas other than a licensed establishment, or that are held in unlicensed areas within a licensed facility.
- The licence holder may offer liquor for sale only at events which do not exceed 10 consecutive days in duration and which are sponsored by a person other than the licence holder.
- In order for proper approval to be received in time for the event to proceed, the licensee must notify the AGCO of each catered event by submitting a Catering Notification Form at least 10 days in advance of the event. The licensee must also advise local police, building and health departments at least 10 days in advance of the details of the event including estimated attendance.
- Liquor may be sold and served only by the licence holder or their employees who are certified by Smart Serve.
- The licence holder has full responsibility for compliance with the *Liquor Licence Act* and Regulations. This means no service to minors, no service to intoxicated patrons, no unruly behaviour and adherence to other conditions of the liquor licence.



For full details on Liquor Sales Licence Endorsements, please refer to our Responsible Service Tip Sheet at the AGCO website www.agco.ca or LLA Regulation 719.

REMINDER

Know your responsibility to not permit intoxication

With the holiday season approaching, now is a good time to remind staff of their responsibility under the *Liquor Licence Act* to not permit intoxication in the establishment. The infractions may lead to a monetary penalty, a suspension or revocation of your liquor licence, and worse yet, senseless injury or loss of life.

Tragic, alcohol-related injuries and fatalities are still all too common. Over the past year, the AGCO has suspended or revoked nine licences where permitting intoxication and over-service of alcohol to patrons played a part. Don't be part of these statistics.

All licensed establishments should develop, post and enforce a strict written house policy on recognizing and enforcing procedures for handling intoxication. Licensees are reminded that it is mandatory for all staff who serve beverage alcohol to be certified in an AGCO-approved server training course.

The current approved server training course is the Smart Serve Training Program. Information on this program can be found at www.smartserve.ca.

If you permit intoxication:

- someone could suffer tragic injury or loss of life
- you could be held legally responsible
- your licence could be revoked
- your licence could be suspended (including an immediate licence suspension)
- you could receive a monetary penalty

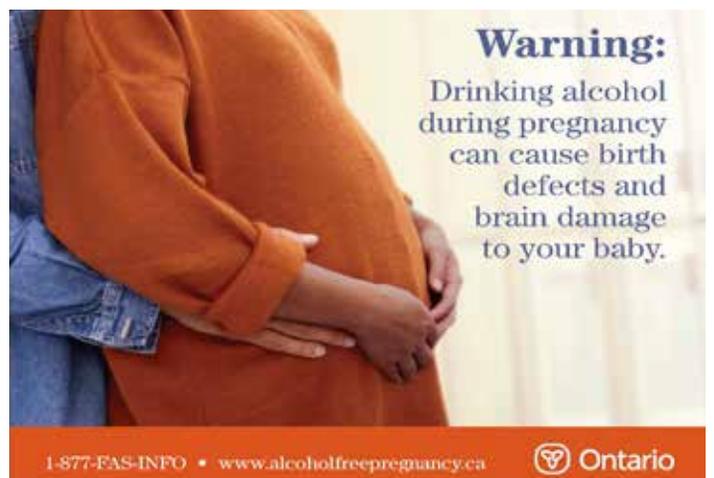
Did you know?

SANDY'S LAW SIGN MUST BE POSTED

Did you know that the requirement to post the Sandy's Law sign in licensed establishments has been in effect since 2005?

In 2004, legislation was passed by the Ontario Legislature to amend the *Liquor Licence Act* to require signage warning pregnant women that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder (FASD). The legislation became effective in early 2005. Bill 43, also known as Sandy's Law, requires all licensed bars and restaurants to prominently display the Sandy's Law sign.

Sandy's Law is named after the adopted son of former MPP Ernie Parsons of Prince Edward-Hastings County. Sandy Parsons was 25 years old when he died from a brain aneurysm that doctors said was caused by malformed blood vessels – a result of his mother drinking alcohol during pregnancy. Ernie Parsons introduced the private member's bill, which was unanimously supported by members of the Ontario Legislature.



Please take the time to ensure the sign is displayed in all locations of your establishment where alcohol is sold.

Failure to comply with the signage requirements may result in administrative action by the AGCO.

The sign is available for downloading on the AGCO website.

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CHECKING ID

The legal drinking age in a liquor sales licensed establishment in Ontario is 19. If there is any doubt about a person's age, staff should ask for an acceptable form of identification. Valid ID must be current, government-issued and include a photo and the birth date. More information is available in the AGCO's **Responsible Tip Sheet: Checking ID.**



HOLIDAY SEASON CROWDS: CHECK CAPACITY

The capacity of a liquor licensed establishment has been set for the safety and health of staff and patrons. Exceeding that limit can jeopardize the safety of everyone inside, especially if there is an emergency.

With the busy holiday season underway, licensees should take extra care to ensure that the number of persons on the licensed premises does not exceed the capacity as stated on the Liquor Sales Licence. This number includes all staff and management. Overcrowding infractions may lead to administrative action against your establishment including, for example, a monetary penalty of up to \$10,000.

RESPONSIBLE SERVICE

While New Year's Eve is a traditional time to celebrate and have fun, licensees and staff are reminded that permitting intoxication and promoting immoderate consumption are contrary to the *Liquor Licence Act* and can lead to administrative action against your establishment including, for example, a monetary penalty of up to \$6,000, or a proposal to suspend or revoke the Liquor Sales Licence.



MANDATORY SERVER TRAINING

All managers, licensed security personnel and employees must complete a server training course approved by the AGCO Board. The current Board-approved server training course in Ontario is Smart Serve. For information on this program, please visit the Smart Serve Ontario website at www.smartserve.ca.

MAINTAINING ORDER

Liquor licensed establishments must be operated in an orderly fashion. Disorderly and unruly behaviour is not permitted. Do not allow drunkenness, illegal gambling, illegal drugs, weapons or fighting on the premises. Ensure the area outside your establishment is well lit and order is maintained in parking lots and on sidewalks around the licensed operation.



Get a naloxone kit and save a life

It goes by many names – China White, Murder 8 and TNT, just to name a few – but one thing is clear: the opioid drug fentanyl is a plague and overdose deaths from it are on the rise across Canada.

As reported in an earlier issue of *Licence Line*, fentanyl is an extremely powerful and potentially lethal drug. It's 100 times more potent than morphine and 40 times stronger than heroin. The so-called high is deceiving because it can also stop the user from breathing. A dose of just two milligrams of pure fentanyl can end a life.

Between 2009 and 2015, there were at least 640 deaths in Ontario where fentanyl was determined to be a cause or a contributing cause.

WHAT CAN YOU DO?

Liquor sales licensees are responsible for the safety of their patrons. Ensure you and your staff know the signs and symptoms of an opioid overdose, as they may differ from other overdoses. Signs and symptoms include:

- Severe sleepiness
- Slow, shallow breathing
- Lips and nails turn blue
- Person is unresponsive
- Gurgling sounds or snoring
- Cold and clammy skin
- Tiny pupils

Naloxone is a drug used to temporarily reverse an opioid overdose. Naloxone temporarily reverses the effects of an opioid overdose if injected immediately. It can restore normal breathing and consciousness and can prevent death or brain damage from lack of oxygen. The effects of naloxone are temporary so it is important to seek further medical attention.

Any individual, such as a bar owner or manager, can walk into any Ontario pharmacy and request a kit. Through the Ontario Naloxone Pharmacy Program, kits are free of charge to anyone who requests them.

Many licensees are already keeping naloxone kits at their establishment. Should the unfortunate need arise, having a naloxone kit on-site can save a life.

If you choose to keep a kit at your establishment, familiarize yourself with its contents and read through the included instructions. Keep the kit in a safe place, such as a back room not accessible to patrons, and make sure all staff know its location.

NALOXONE KITS

Kits come in a sealable case or container and include naloxone hydrochloride, syringes, latex gloves, instructions, as well as other items required to administer the drug.

According to the Ontario Pharmacist's Association (OPA), pharmacies may assemble or purchase kits into their inventory and they are able to order more if they run out. Any individual, such as a bar owner or manager, can walk into any Ontario pharmacy and request a kit. Through the Ontario Naloxone Pharmacy Program, kits are free of charge to anyone who requests them, however, the individual must present their Ontario Health Card and they are only allowed to acquire one kit per transaction. An individual may also pay for a naloxone kit themselves without having to show an Ontario Health Card. Although prices may vary by pharmacy, the total cost can be around \$75, which includes the naloxone kit, dispensing fee and training. Subsequent kits may cost less.

One of the regulations under the *Liquor Licence Act* states that a liquor sales licensee may not permit a person "to have, use, distribute, or sell controlled substances*" in their establishment.

**Naloxone is not a controlled substance.*

More information

Please visit the OPA's [website](#) for more information on naloxone, as well as resources and tools that can help you and your staff be prepared in a crisis situation.

A good source of information on fentanyl is [facethefentanyl.ca](#) – a website created by students at the Humber College Ad Centre in Toronto, and supported by the Ontario Association of Chiefs of Police. You can find helpful resources, including posters for display in your establishment.

Sources

Licence Line – Volume 17, Issue 1 (with information provided by the OPP); Ontario Pharmacist's Association; [facethefentanyl.ca](#)

LIMITED CIRCUMSTANCES

Planning to offer an "all you can drink" package on New Year's Eve?

Many licensees assume they are permitted to offer "all you can drink" packages on New Year's Eve. This is not the case. The law only allows packages under limited circumstances. For example, a licensee may offer a package of food and liquor at a fixed price when:

- a) the licence holder and event organizer have entered into a written contract that sets out separately the price of the food component and the price of the liquor component of the package;
- b) the price of the food component is the fair market price and represents more than 50% of the total price of the package;
- c) the event is intended only for the invited guests of the event organizer, is not advertised or open to the general public;
- d) attendees are not charged a fee for admission to the event or for liquor or food;
- e) the event organizer or the organizer's delegate remains on the premises at all times during the event;
- f) the time for which alcoholic drinks may be provided to attendees without charge to the attendee does not exceed eight hours;
- g) the licence holder, the employees and managers of the licence holder and the security personnel other than paid duty police officers acting as security personnel at the event have completed a server training course approved by the Board of the AGCO; and
- h) the licence holder keeps all contracts relating to the event for at least one year after the event takes place.

And the Best Bar None winners are...

This year was an exciting one for the Best Bar None (BBN) program, with three awards ceremonies taking place. Awards were handed out in Toronto and Ottawa in June and, for the first time ever, in October, a Windsor establishment also received a BBN award. Each year, the BBN program recognizes establishments that maintain the highest standards for their customers and staff, responsibly manage the sale and service of alcohol and cultivate good relationships with the community and industry partners. The BBN Ontario program is led by the Ontario Restaurant Hotel & Motel Association.

THE WINNERS FOR 2017 ARE:

Windsor

- ARIUS Nightclub (located inside CAESARS Casino)

Ottawa

- Best Bar/Lounge - The Whiskey Bar
- Best Restaurant - Fatboys Southern Smokehouse
- Best Club - The Green Room/Liquor Store
- Best Pub - Pub 101
- Best Hotel - The Courtyard Marriott
- People's Choice - The Cornerstone Bar and Grill

Toronto

- Best Bar/Lounge - Real Sports Bar & Grill
- Best Restaurant - 360 Restaurant
- Best Club - Crocodile Rock
- Best Pub - Firkin on Yonge
- Best Members Club - The Spoke Club
- Best Hotel - The Intercontinental Toronto Centre
- Best Venue - The Air Canada Centre
- People's Choice - The Boulevard Club

The AGCO's Chief Operating Officer, Tom Mungham, attended the ceremonies in Toronto and Ottawa and stated the following: "The AGCO believes the safe and responsible service of alcohol is best maintained through a collaboration of the industry, the community, and law enforcement. The BBN Ontario program complements our efforts to educate liquor licensees and increase compliance."

Congratulations to all of this year's winners!

To learn more about Best Bar None Ontario, visit their website at www.bbnontario.ca.



Justin Oddy, GM (ARIUS) | Patrick Kim, VP (ARIUS) | Kash Hassan, President (ARIUS) | Tony Elenis, CEO & President (ORHMA)



Left to right: Tony Elenis, President & CEO (ORHMA) | Christina Sartori (Courtyard Marriott ByWard Market) | Rani Aramouni (The Whiskey Bar) | Alex Sirois (The Green Room/ The Liquor Store Party Bar) | Jessica Bogue (Cornerstone Bar & Grill) | France Lavigne (PUB 101) | Tom Mungham, COO (AGCO) | Jenny Linton (Fatboy's Southern Smokehouse)



Left to Right: Jale Ferland (The Spoke Club) | Cameron Dryburgh (360 Restaurant) | Barry Mcleod (Crocodile Rock) | Tony Elenis, President & CEO (ORHMA) | Kent Epp (Firkin on Yonge) | Ernesto Castillo (InterContinental Toronto Centre) | Michael Fagan (Air Canada Centre) | Umu Sowe (Real Sports Bar & Grill) | Jean Major, CEO (AGCO)

Decision Summary

The following establishments requested a hearing before the Licence Appeal Tribunal (LAT) regarding compliance issues and received suspensions of 14 days or more and revocations for the period beginning July 1, 2017 ending November 15, 2017. Sanctions for similar infractions may vary in length according to the specifics of each case. For details on LAT visit www.lat.gov.on.ca.

ESTABLISHMENT	INFRACTION	SANCTION
None for this period		

SUSPENSIONS OF 14 DAYS OR MORE AND REVOCATIONS WHERE THE LICENSEE DID NOT REQUEST A HEARING

ESTABLISHMENT	INFRACTION	SANCTION
Aura Lounge, Timmins	Encouraged immoderate consumption; service outside prescribed hours; failure to clear signs of service; licensee failed to ensure control of premise was maintained; permitted unauthorized persons behind bar	21 days
Cold Tea, Toronto	Overcrowding	28 days
Spill Coffee Bar (The), Peterborough	Overcrowding	30 days
Swazzees Restaurant & Bar, Waterford	Liquor sold to person who appears to be intoxicated; permitted drunkenness and violent conduct	40 days

AGCO website has lots of information!

If you are looking for general information about the AGCO, how to apply for a Liquor Sales Licence or other liquor licensing matters, please visit our website at www.agco.ca.

You can download and fill out on screen liquor-related forms such as liquor licence applications, renewals, transfers, etc.

Coming soon – AGCO services for Ontario’s liquor sales licensees will soon be available online.



Continued from p. 1 *Chair's Column*

Also included in this edition is a story about the fentanyl epidemic and what liquor sales licensees can do if there is an overdose in their premise. Please take the time to read and share this story with your staff so they are aware of the seriousness of this issue. I trust this article will further the discussion of the preventative measures that can be taken at your establishment to ensure the safety of your staff and patrons.

As the busy holiday season approaches, licensees must be vigilant to remain compliant with the law while celebrating and enjoying the festivities. To assist licensees in meeting their responsibilities, this issue includes information on such topics as New Year’s Eve hours of operation, caterer’s endorsements, responsible service, maintaining order, and “all you can drink” packages.

Finally, as the year comes to a close I would like to thank all of the AGCO’s clients and stakeholders for their continued support and cooperation. It’s been a year of tremendous change as the AGCO works to modernize Ontario’s beverage alcohol industry, and this could not be done without you. I also want to thank the hardworking employees of the AGCO, the management team, and the Board for a very productive, successful year in which the agency was able to deliver on its strategic and business plan goals.

I wish everyone a happy and healthy holiday season and all the best in 2018!

S. Grace Kerr
Chair

Licence Line

This newsletter is published by the **Alcohol and Gaming Commission of Ontario** to provide licensees and interested parties with information regarding alcohol legislation and related issues. Reader comments are welcome. This newsletter is available free of charge to all holders of a liquor sales licence in Ontario.

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