



Service Nova Scotia
and Municipal Relations
Alcohol and Gaming Division

Alcohol and Gaming Division Policy

Sale of Growlers

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Approved By: John R. MacDonald

I. POLICY STATEMENT

Eligible liquor licensed establishments may sell beer for off-premises consumption as permitted under the Liquor Licensing Regulations.

II. POLICY OBJECTIVES

To outline the requirements for the sale of on-premises manufactured beer to be sold for the purpose of off-premises consumption by establishments holding both a permit issued by the Nova Scotia Liquor Corporation (NSLC) for the manufacture of beer, and a license issued by the Nova Scotia Alcohol and Gaming Division (AGD).

III. APPLICATION

An eligible establishment may submit a request in writing to the Executive Director of the AGD for permission to sell beer for off-site consumption.

For establishments requesting to sell the manufactured beer from within the licensed premises, they must provide the following information:

- A copy of their permit to brew beer from the NSLC;
- The volumetric capacity of the bottle (typically 1.8 to 2.0 litres);
- The material of the bottle;
- The amount of the deposit required
- The method for sealing the bottle.

Alternatively, establishments requesting to have a section of their premises unlicensed to allow for the sale of manufactured beer from a store front under permit from the NSLC must provide the following information:

- A copy of their permit to brew beer from the NSLC;
- A copy of the approved proposed retail sales area from the NSLC in relation to the existing “licensed” floor plan.

IV. POLICY

The AGD will review each submission to ensure there are no concerns with respect to the regulatory requirements of the Nova Scotia Liquor Licensing Regulations. The AGD may approve, reject or request additional information be provided, based on the information that is submitted.

Establishments wanting to sell beer from inside the licensed premises for off-premises consumption must ensure that they meet the requirements as specified in the Nova Scotia Liquor Licensing Regulations and include, but are not limited to, the following:

- The licensee may only sell beer that was manufactured in their adjacent facility;
- The licensed establishment and the manufacturing facility must be owned and operated by the same licensee;
- The beer is sold in a sealed bottle of a type and volume capacity approved by the Executive Director of the AGD;
- Partially consumed growlers, regardless of whether or not they are sealed may not leave the licensed premises.
- Empty growlers may leave the premises.
- No beer is to be sold for the purpose of off-premises consumption after 10:00 p.m.;
- The licensee must ensure that any person who has purchased beer in an off-premises sale immediately leaves the licensed premises.
- Liquor is not permitted to leave the licensed area except in accordance with Section 58A for re-corked wine and Section 58B for off-premises sale of beer.
- Open growlers may be consumed on premises.

Establishments wanting to sell beer from a separately designated area must ensure that they meet the requirements as specified in the Nova Scotia Liquor Licensing Regulations and include, but are not limited to, the following:

- All liquor which is in the licensed area has been purchased by the licensee from the NSLC;
- Liquor is not permitted to leave the licensed area except in accordance with Section 58A for re-corked wine;
- The sale and service of liquor from the establishment, for the purpose of off-premises consumption, will take place entirely in an area that is not licensed under the authority of the Nova Scotia Liquor Licensing Regulations and is clearly designated as such.

V. ACCOUNTABILITY

The licensee is responsible to ensure that their liquor license is in compliance at all times with the Nova Scotia Liquor Control Act and Liquor Licensing Regulations.

The licensee is responsible to ensure that they operate in accordance with the permit issued by NSLC and all applicable acts, regulations and policies associated with the permit.

VI. REFERENCES

Licensee not to sell liquor below minimum price

50A (1) Except for the off-premises sale of beer under Section 58B, a licensee must not offer for sale or supply a serving of liquor for less than a total purchase price of \$2.50, including any applicable taxes.

Removing liquor from licensed premises

58 Except as provided in Section 58A for re-corked wine and in Section 58B for off-premises sales of beer, a licensee must not permit liquor that was sold in their licensed premises to be taken from the premises.

Taking re-corked wine from licensed premises

58A An eating establishment licensee may permit a customer to take an unfinished bottle of wine from their licensed premises if the licensee does all of the following:

- (a) re-corks the bottle by inserting a cork into the bottle so that the cork is flush with the top of the bottle;
- (b) informs the customer of the requirements in subsections 54(6) and (7) of the Act for transporting the open bottle of liquor in a motor vehicle.

Off-premises sales of beer

58B (1) In this Section, "off-premises sale" means a sale of beer that meets all of the following criteria:

- (a) the beer was produced by the licensee that is selling it;
- (b) the sale is conducted in the licensee's licensed premises;
- (c) the beer is sold for consumption outside the licensee's licensed premises.

(2) With the approval of the Executive Director, a licensee may permit a customer to take beer that was purchased in an off-premises sale away from their licensed premises, if all of the following requirements are met:

- (a) the licensee holds a permit issued under the Nova Scotia Liquor Corporation Regulations made under the Act that authorizes the licensee to produce less than 15 000 hectolitres of beer per year;
- (b) the manufacturing facility that is subject to the permit referred to in clause (a) and any licensed premises in which the beer is sold is owned and operated by the same licensee;

- (c) the beer is sold in a licensed premises that is located adjacent to the manufacturing facility that is subject to the permit referred to in clause (a) or in one of up to 4 additional licensed premises;
 - (d) the beer is sold in a sealed bottle of a type and with a volume capacity approved by the Executive Director;
 - (e) despite the hours during which the licensee is authorized to sell or dispense liquor, no off-premises sale of beer is made after 10:00 p.m.;
 - (f) the licensee ensures that any person who has purchased beer in an off-premises sale immediately leaves the licensed premises following the purchase;
 - (g) any additional terms and conditions that the Executive Director prescribes to ensure the intent of this Section is met.
- (3) A licensee must not sell any liquor in an off-premises sale other than beer produced by the licensee.

VII. DEFINITIONS

AGD is the Alcohol and Gaming Division of Service Nova Scotia and Municipal Relations.

NSLC is the Nova Scotia Liquor Corporation.

Micro-brewery means a small freestanding brewery which produces less than 15,000 hectolitres of beer per year

Brew Pub (licensee on-site manufacturing facility) is a small capacity manufacturing facility where the primary business function is the sale and service of liquor for on premise consumption and is authorized by the Corporation to sell product for consumption in its adjacent, totally segregated, licensed premises and products brewed on-site to customers in a growler format and in up to four additional licensed premises that the brew pubs' principle owner has at least 51% holdings.

VIII. INQUIRIES

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29 JAN 2014

Date


 John MacDonald, Executive Director