

Date: June 21, 2014

To: All LCLB staff
All manufacturer licensees
All Local Government, First Nations, and Police Agencies
BC Farmer's Market Association

Re: Liquor sales at farmers' markets

Introduction

The implementation of the recent Liquor Policy Review (LPR) report recommendation (#31) will permit licensed manufacturers to sell their products at farmer's markets. The new Liquor Control and Licensing Regulation sections 18.3 – 18.6 outline the criteria for eligibility and sale of liquor at a farmers market.

Eligibility

Licensees: A licensed manufacturer (winery, brewery, distillery) with an on-site store endorsement may apply for a Farmer's Market Authorization to sell their products at a farmer's market. Licensees are responsible for confirming that the farmer's market complies with local bylaws around the sale of packaged liquor and that the market where they plan to sell meets the following criteria:

- is comprised entirely of vendors who make, bake, grow or raise the products they sell at the market;
- is managed or carried on by an organization that is incorporated under the *Society Act* or the *Business Corporations Act*;
- is comprised of at least 6 vendors, and;
- operates for at least 2 hours in a day, at least 4 times per year, but no more than twice a week.

Markets: Farmer's markets do not have to apply to the Branch to host liquor vendors. However, it is recommended that all markets who intend to invite liquor vendors confirm with their local government/First Nation that the sale of packaged liquor is permitted in this manner within the municipality that the market takes place.

Licensees are required to confirm with markets that the market site is permitted by local government/First Nation bylaws to sell packaged liquor for off-site consumption. Licensees are required to submit the market's Society or business registration information as part of their authorization application and will request this from host markets.

Just like for any vendor, market organizers will provide the invited liquor licensees with a defined sales area for their products. Liquor licensees will then conduct all sales and sampling within that area.

Markets are not obliged to host liquor licensees. If a market chooses to invite liquor licensees as vendors they may limit the sale in other ways to ensure the principles of the market are maintained. For example, the market may choose to rotate licensees, limit the number of liquor vendor spots per market, or limit the type of liquor that licensees may sell.

Important for markets: If a liquor vendor cannot produce a Farmer's Market Authorization issued by the Branch they have not been authorized to sell liquor at a market.

Policies

The market authorization is valid during the market hours only and liquor may not be sold outside of store endorsement hours 9 am to 11pm. This means that even if a market begins at 8am a liquor vendor may not sell until 9am.

Licensees may only sell the products registered to the licence and permitted in the onsite store. All market sales must be reported as usual through the onsite store endorsement.

Each manufacturer must have a distinct sales area and must post their authorization in a conspicuous location in their area during each market.

Staff at the market stall must have Serving it Right certification and must not be minors.

All sales must occur within the sales area provided for the licensee by the market organizers. Sampling must also take place within the market sales area and patrons may not remove samples from the sales area to walk around the market. Licensees may not charge for samples and sample sizes are restricted as follows (per person per day):

| Type of Liquor | Single Product | Multiple product |
|------------------------|-----------------------|-------------------------|
| Wine | 20ml | 30ml |
| Spirits | 10ml | 20ml |
| Beer / Cider / Coolers | 30ml | 45ml |

Procedures: Obtaining a Farmer's Market Authorization

Farmer's Market Authorization forms are available on the branch website.

Prior to completing the form the licensee must:

- confirm that the market meets the definition of farmer's market. Farmers markets will have an emphasis on local produce and related farm products - markets that sell imported goods or flea markets may not host liquor vendors.
- be accepted to sell at the market by the market organizers
- request the market's registration information (e.g. society registration number) needed for the authorization
- confirm with the market that the municipality where the market occurs has permission to include liquor vendors in the market

- determine which dates to sell at the market. Your authorization will only be valid for the series of market dates submitted.
- If you would like to sell at two different markets (e.g. one in Osoyoos and one in Penticton) you will need a separate authorization for each one.

There are currently no fees for this authorization and the form can be found at http://www.pssg.gov.bc.ca/lclb/forms_fees/index.htm . Please complete the form and fax or email it to the branch at LCLBOneStopHelp@gov.bc.ca or fax to 250-952-7066 at least five business days before the first planned event. Remember to include an email address where the branch can send the authorization. Licensees will need to print it out and post it at the market.

If you have any questions regarding selling at farmer's markets please call your inspector or the branch at the number below.

Further Information

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at <http://www.pssg.gov.bc.ca/lclb/>. If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

Original signed by:

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