

UVin/UBrew Operators Guide

LIN 0516

Public Safety / Sécurité publique
Community Safety Division / Division de la sécurité communautaire

February 2019

This information is intended to provide operators of UVin/UBrew with guidance in the application and administration of the regulations governing the licensing and compliance of such an operation within New Brunswick. This information is provided as a guide only and in the event of discrepancy, the *Liquor Control Act and Regulations* shall prevail.

Authority

Regulation 84-265 under the *Liquor Control Act* outlines the terms and conditions that must be met by a UVin / UBrew licence holder and Regulation 89-167 under the *Liquor Control Act* establishes a fee of \$100 for the issuance of a UVin / UBrew licence.

Licensing

It is the responsibility of each UVin / UBrew operation to obtain a licence. Licence application forms are available from:

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

Phone: (506) 453-7472

Fax: (506) 453-3044

Email: DPS-MSP.Information@gnb.ca

Please use the above contact information should you have any questions or concerns relevant to your licence.

General Information for the Licensee:

Methods, Practices and the Roles of Licensees

The licensee must ensure that the customer visits the licensed premises at least twice during the process.

1. The licensee shall ensure that the licensed premises are clearly defined and are kept separate from other premises that are used for different purposes.
2. The licensee shall ensure that the licensed premises are kept separate from other premises for which another type of licence has been issued under the Act by way of a fixed floor-to-ceiling wall.
3. Before a person begins to make beer or wine on the licensed premises, the licensee shall prepare and provide to the person making the beer or wine an invoice setting out:
 - a) the name, address and telephone number of the licensee;
 - b) the name, address and telephone number of the person making the beer or wine;

- c) whether beer or wine is being made and the quantity;
 - d) the ingredients provided to the person making the beer or wine and the price charged for the ingredients;
 - e) the services provided to the person making the beer or wine and the price charged for the services;
 - f) the date on which the making of the beer or wine is to begin;
 - g) the amount of payment received from the person making the beer or wine; and
 - h) a notice to the person making the beer or wine that it must be for the person's personal use only to be consumed exclusively at the customer's residence.
4. **The licensee or the licensee's employees or agents may:**
- a) add finings or stabilizing agents to the customer's other ingredients;
 - b) operate equipment to filter and add carbonation to the customer's ingredients;
 - c) rack the customer's beer or wine;
 - d) give a customer a sample of the customer's beer or wine after fermentation, carbonation or filtration has occurred, as long as the sample is no larger than 50 millilitres and is consumed on the licensed premises;
 - e) carry the customer's beer or wine out of the licensed premises to a waiting vehicle;
 - f) assist the customer in performing any task that is the responsibility of the customer if the customer is physically incapable of performing that task alone;
 - g) manufacture at the licensed premises for their own consumption at their place of residence.
5. **The licensee and the licensee's employees and agents shall not:**
- a) produce on the licensed premises beer or wine for sale or exchange;
 - b) keep for sale or exchange, offer for sale or exchange, sell or exchange beer or wine on the licensed premises;
 - c) give liquor to any person on the licensed premises; except as provided in 4 (d) above;
 - d) permit on the licensed premises the exchange, sale or giving of beer or wine made by customers;
 - e) facilitate the exchange, sale or giving of beer or wine made by customers;
 - f) assist a customer in performing tasks associated with the making of the products;
 - g) deliver a customer's beer or wine;
 - h) store or permit the storage on the licensed premises of beer or wine that has been placed in bottles;
 - i) remove or permit the removal of carboys being used in the making of beer or wine from the licensed premises;
 - j) bring or permit to be brought into the licensed premises alcoholic products to be added as an ingredient for making beer or wine;
 - k) permit the customer to use bottles already labelled, if the label represents a product sold at any ANBL store or commercially manufactured by a winery.

6. The licensee shall ensure that each carboy being used for the making of beer or wine on the licensed premises has attached to it a tag bearing the number of the invoice provided to the person whose ingredients have been placed in the carboy and, where applicable, the date on which enzymes or yeast were added to beer wort, wine juice, wine juice concentrate or other juice or juice concentrate in the carboy.
7. The licensee shall retain for at least one year all records of the licensee's purchases of ingredients; and a copy of all invoices for inspection.
8. The licensee shall, each year, before renewal, file with the Minister of Public Safety annual figures setting out the amount of beer and wine produced on the licensed premises in a form provided by the Minister of Public Safety.
9. A UVin / UBrew establishment's license shall not be renewed unless the licensee has filed with the Minister of Public Safety annual figures setting out the amount of beer and wine produced on the licensed premises during the previous licensing year.

Methods, Practices and the Roles of the Customers

1. Before the end of the customer's first visit to the licensed premises for the purpose of making beer or wine, the licensee will transfer to the customer the ownership of the ingredients being purchased by the customer from the licensee to make the beer or wine;
2. The customer must combine or mix their beer wort, wine juice; wine juice concentrate or other juice or juice concentrate with any of the customer's other ingredients as the customer wishes to add.
3. The customer adds to the beer wort, wine juice, wine juice concentrate or other raw material of beer or wine any yeast or enzymes required to begin the fermentation process.
4. The customer places his or her beer or wine in bottles;
5. The customer labels, corks, caps, shrink wraps or packages his or her beer or wine;
6. Once the finished product is bottled, customers must immediately remove the finished product from the premises.
7. If a customer is in need of assistance to carry out an operation that the customer is required to carry out, the operation may be carried out by an assistant to the customer as long as the customer is on the licensed premises at the time it is carried out.
8. An assistant must be a person other than the licensee or a representative of the licensee.

Advertising

1. An advertisement **may**:
 - a) state that the licensee is licensed to operate a UVin / UBrew establishment where equipment for the making of beer or wine is provided to customers;
 - b) state the name of the licensed premises and its address and any other contact information;
 - c) provide a list of the goods and services available and their prices;
 - d) advertise the availability of various types of materials, beer wort, wine juices, wine juice concentrates or other juices or juice concentrates.

2. An advertisement **may not**:
 - a) promote immoderate consumption;
 - b) indicate that beer or wine is available for sale or exchange on the licensed premises;
 - c) allow customers to advertise, on the licensed premises, beer or wine for sale or exchange;
 - d) advertise the price of beer or wine on a per bottle basis.

Hour of Operations

1. Unless stated otherwise in a municipal by-law, UVin / UBrew establishments may be open between the hours of 07:00 and 23:00.

Age Restrictions

1. To prevent a person under the age of 19 from making beer or wine on the licensed premises, the licensee shall ensure that an item of identification from every person who is apparently under the age of 19 is inspected and that the person is not permitted to make beer or wine on the licensed premises unless the item of identification indicates that the person is at least 19 years of age.
2. The item of identification must be in accordance with section 131.2 of the *Liquor Control Act*.
3. A licensee may employ persons under 19 years of age provided that:
 - a) The employee is under the direct and continual supervision of the licensee or by another employee who is over 19 years of age, and
 - b) The employee does not provide service or have any connection with the manufacturing or handling of alcoholic products or use the equipment for the manufacture of wine or beer within the licensed premise.

Disposition of Product in the Event of the Suspension or Cancellation of a Licence

1. Upon the suspension or cancellation of a licence, the licensee may allow the unfinished product to stay on the premises until such time that the product is ready to be placed in bottles by the client and removed.
2. Upon the suspension or cancellation of a licence, the licensee may not conduct any new business.

Administrative Penalties

Failure to comply with the legislation may subject the licensee to administrative monetary penalties ranging from \$200 to \$1,000 and may include the suspension or cancellation of the licence.

Schedule "A" of Regulation 84-265 under the *Liquor Control Act*, an Administrative Fine of \$200 for the 1st offence and \$500 for the 2nd offence for violations under paragraph 142(1)(d).

Schedule "A" of Regulation 84-265 under the *Liquor Control Act*, an Administrative Fine of \$200 for the 1st offence and \$500 for the 2nd offence for violations of items 5 (a) through (k) under 'Methods, Practices and the Roles of Licensees.

Schedule "A" of Regulation 84-265 under the *Liquor Control Act*, an Administrative Fine of \$500 for the 1st offence and \$1000 for the 2nd offence for violations of item number 1 under 'age restrictions'