



Centre for Addiction and Mental Health  
Centre de toxicomanie et de santé mentale

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Ted McMeekin, MPP  
Parliamentary Assistant, Government Services  
Whitney Block  
4th Floor Suite 4320  
99 Wellesley St W  
Toronto, ON M7A 1W3

Dear Mr. McMeekin:

Thank you for the opportunity to provide input on needed changes to Ontario's Liquor Licence Act (LLA).

As the largest mental health and addiction facility in Canada, the Centre for Addiction and Mental Health (CAMH) has a provincial health promotion mandate to conduct research, engage in public education and support the development of healthy public policy in addictions and mental health. Based on our extensive experience in the field, CAMH has access to the most current evidence on: alcohol availability and its effects on consumption, drinking and driving, reducing aggression and injury in bars, harm reduction, alcohol management policies for municipalities (MAP), impact of changes in the justice system on the problem of drinking and recidivism and morbidity, mortality and alcohol consumption.

Alcohol is not simply another consumer product. Although drinking alcohol is associated with both acute and chronic health and safety problems that are largely preventable, the extent of the harm caused by alcohol is not widely known or acknowledged by the general public. Alcohol continues to be a significant factor in injuries caused by assaults, motor vehicle crashes, fires, domestic disputes and other crimes. It is also a significant factor in various physiological conditions such as fetal alcohol spectrum disorder, various cancers, neuropsychiatric disease, diabetes and cardiovascular and gastrointestinal diseases. Alcohol-related problems such as these and others impose a heavy burden on public health and safety and costs billions of dollars associated with health care, the law enforcement and criminal justice system, and lost productivity.

CAMH believes that the Liquor Licence Act is an important instrument for balancing consumer access, commercial interests, government responsibility and public health. We agree that **public safety, service delivery and consumer choice** are all important focus areas for Ontario's LLA consultations. It has been demonstrated that drinkers who usually drink moderate amounts, but occasionally drink in a high-risk manner, contribute to a significant share of alcohol problems in society, since there are many who meet these criteria. Research has also shown that limiting alcohol availability and reducing the aggregate volumes of alcohol consumed can significantly reduce alcohol-related problems. This evidence reinforces our

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assertion that the LLA is an essential tool by which the government can reduce alcohol-related problems by regulating alcohol availability.

CAMH recommends the following in respect to the LLA Consultation's three focus areas and proposals:

## **Public Safety**

- **Representation:** Include public health and safety representatives at the decision making level for the Boards of AGCO and Smart Serve. A mandatory number of seats should be assigned to these representatives. The Ontario Public Health Association, the Ontario Chiefs of Police, MADD Canada and the Centre for Addiction and Mental Health are examples of credible organizations with a mandate to promote public health and safety.
- **Health & safety information:** Revise Liquor Licence renewal packages to include health and safety information and require ongoing education for licence holders on their responsibilities under the Act.
- **Evaluated interventions:** Require bars to develop prevention policies to reduce alcohol-related problems due to over-service/over-consumption. These policies should be based on evaluated safety measures. CAMH's "Safer Bars" Program has been fully evaluated and has demonstrated effectiveness in reducing alcohol-related violence in licensed establishments.
- **Local responsibility:** Give municipal governments and their communities more control over decisions to issue new licences or increase the capacity of existing establishments. Local elected representatives and citizens understand how these decisions affect health and safety in their communities.
- **Local input:** Strengthen the "public interest" clause so that there is time for local communities to provide input and see that their opinions are valued.
- **Density restrictions:** Work with communities to develop area density restrictions that define the maximum number of licenced outlets and number of occupants per area or per capita. This will reduce the violence experienced by a large number of municipalities, such as London, Peterborough, Windsor and Ottawa. The density restrictions would be used as grounds to accept or reject a liquor licence application.
- **Controlling service to intoxicated patrons:** Improve compliance/enforcement of Section 29 (not serving to intoxication) since intoxication is related to many public safety problems.
- **Managing intoxicated patrons:** If a patron becomes intoxicated, the safety of the patron must be considered as well as those around him/her. That person is vulnerable if ejected to the street and is also prone to causing problems. The licenced establishments should do everything possible to ensure the safety of the intoxicated patron as long it does not endanger staff or customers. The licenced establishment is legally responsible for the patron's safety until they are sober.

## **Service Delivery**

- **Controlling availability:** Impose a moratorium on changes that increase alcohol availability. Ontario residents have indicated that the current number and location of outlets meet their needs.
- **Closing time:** Change closing hours from 2:00 a.m. to 1:00 a.m. to lengthen the time period between consumption of alcohol and the start of work.
- **Monitoring advertising:** Do not expect businesses to monitor their own advertising. The pressure to maximize profits by engaging in advertising that is "on the borderline" is too great.
- **Assess proposed changes:** Pilot and evaluate proposed changes to the LLA prior to province-wide implementation to determine their effectiveness at balancing business, consumer and public health and safety concerns.

- **Evaluate Smart Serve:** Evaluate the Smart Serve program and improve monitoring and tracking of program graduates. Comprehensive Responsible Service Programs have been proven to be effective in reducing problems in licensed establishments, however, Smart Serve, which is a much more condensed program, has never been evaluated.
- **Managing Special Occasion Permits (SOPs):** Increase inspectors to oversee the SOPs and also have different licensing criteria for higher risk SOPs i.e. larger events or ones that permit minors to attend.

### Consumer Choice

- **All Inclusive Travel:** These travel packages often promote more alcohol consumption than normal so that people can get their money's worth. There is no public health benefit for this and we do not support this proposed change.
- **Licensing washrooms, lobbies and stairwells** - Properly monitoring these areas will be difficult. The relative risk of spillage/breakage of bottles and related injuries along with the increased areas for the bars to serve alcohol needs to be considered along with the risk of a drug being slipped into an unmonitored drink. Some bars might choose to supply staff or provide an area to monitor otherwise unattended drinks.

### Enforcement

- **SOP applications:** Review applications for SOPs to tighten up access for underage youth, problematic events or applicants and to improve the ability to contain alcohol to licenced areas.
- **Proof of age enforcement:** Strengthen enforcement of the legal drinking age by requiring more than one piece of photo ID as proof of age and allowing licencees to legally confiscate fake ID and turn it over to the police.
- **Penalties for illegal service:** Increase options available to the AGCO to sanction licencees and management staff for infractions such as continuing to serve to people who are intoxicated, overcrowding, serving to people who are underage. Fines of \$400 and \$500 will act as quick and effective deterrents.
- **Powers to suspend:** Give local AGCO inspectors more power to issue immediate (short duration) suspensions of liquor licences and or fines.
- **Number of inspectors:** Increase the number of inspectors in order to facilitate more efficient and effective inspection and control of breaches and high-risk drinking and selling practices.
- **Screening applications for licences:** Improve screening methods for applications so that "bad actors" have more difficulty accessing new licences.
- **Safer Bars:** Make Safer Bars an AGCO enforcement option.
- **Court process efficiency:** Decrease delays of cases going to Provincial Offences court and the AGCO.
- **Definition of terms:** Define within the Act terms such as due diligence, uniform officer, food, operating day, and drink specials so that the application of these terms is more consistent and easier to enforce.

Once again, thank you for providing us with the opportunity to provide input into your review of the LLA. We welcome opportunities to share further information should you or your Ministry wish to follow up on any the recommendations we have made.

Sincerely,

Paul E. Garfinkel, MD, FRCP(C)  
President and CEO