

Response to the Ministry of Government Services Consultation on the Special Occasion Permit Reform

September 30, 2008

Thank you for the opportunity to provide input on the Special Occasion Permits (SOP) system review.

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. 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, and mortality and alcohol consumption and public opinion.

It is appropriate to explore modernizing and reforming the Special Occasion Permit program, provided that regulatory and policy frameworks maintain a strong overriding objective of protecting public safety and public health. Regulating alcohol availability is key to reducing alcohol-related problems and harm to society. The regulation of SOP events is a critical element of alcohol regulation, because alcohol points of sale are outside the standard retail alcohol and hospitality industry milieus that are within easier reach of regulation, and for whom the consequences of regulatory remedy are more serious. These events are often organized by volunteers or friends in a spirit of goodwill and charity. However, it must be remembered that – even with the most benign intent – alcohol can be a highly dangerous drug, and the consequences of careless alcohol distribution are deadly.

Research shows that both overall alcohol consumption and high risk drinking are increasing in the past decade. In Canada, high risk drinking (defined as five or more drinks on one occasion at least monthly) increased from 10 to 14 percent from 1993-2004. Likewise, more Canadians are drinking at hazardous levels than 10 years ago. According to the 2002 Canadian Community Health Survey: Mental Health and Well Being, an estimated 641,000 people, or about 2.6% of the population aged 15 or older, self-reported symptoms suggesting that they were dependent on alcohol.ⁱⁱⁱ In Ontario, the proportion reporting heavy drinking went from 7% to 12% between 1995 and 1996, and it is currently at 11%. The proportions are substantially higher for young adults.ⁱⁱⁱ The consumption of alcohol is increasing but with little public awareness concerning its harmful effects. The damage from alcohol in Canada is extensive and the net costs were estimated at over \$14 billion based on 2002 data.^{iv} Research has also shown that limiting alcohol availability and reducing the aggregate volumes of alcohol consumed can significantly reduce alcohol-related problems. Furthermore, special attention needs to be

devoted to SOP events where patrons are not expected to pay for alcoholic drinks, as there is a tendency to consume more alcohol at these types of events increasing the risk for alcohol-related harms.

CAMH makes the following recommendations in the five focus areas identified by the consultation document:

Categories of SOPs

Currently, there are eight different types of events, which can qualify for the issuance of an SOP. The Ministry of Government Services proposes to streamline eight permits into three.

- **Collapse eight permit types into three:** CAMH has no opinion on the appropriate number of SOP categories. However, it is critical that regulations for each category are based on risk. For each category the regulations should allow for flexibility, evaluation and refinement of regulations. Most important, a risk-based regime requires monitoring and evaluation to ensure that regulatory resources target the types of events that pose the greatest risk to public safety.

Eligibility

At the present time, a local community wishing to raise funds in order to assist an individual, family or cause is not currently eligible for an SOP. The Ministry proposes developing a new category of events for private profit under certain conditions

- **SOP event intended to raise money:** CAMH is concerned that the pressure to sell more alcohol in order to profit from an SOP event will lead to increased alcohol consumption and increase the potential for alcohol related problems and harm. If such events are permitted, the AGCO should review the implications for increased risk.

Program Administration

The Ministry is proposing several program administration reforms with regard to education and application fees.

- **More education provided to applicants:** CAMH strongly recommends educating permit holders on alcohol related health, safety issues and liability, as well as implementing mandatory training for all employees issuing SOPs and ongoing education on regulation changes.
- **Increase application fees for large capacity or higher risk events:** CAMH proposes implementing higher application fees for high-risk events based on

public vs. private SOPs, minors in attendance, etc. There should be a requirement that all high-risk events purchase insurance.

Enforcement

Over the years, SOP events have grown considerably in both size and duration making it more difficult to police large scale events and monitor public safety. The Ministry proposes several measures to ensure public safety

- **Move toward a risk based regime:** Evidence suggests certain conditions, such as overcrowding, the size of event, and type of event (i.e. *stag and doe events*) etc. pose a high risk for alcohol related problems, CAMH therefore, recommends implementing a comprehensive risk assessment based on the type of event, applicant history and attendees (i.e. youth), etc. According to the proposed revisions, events with projected 1,000 patrons would receive special attention. While CAMH supports, in principle, an approach where large events receive special attention, the threshold of 1,000 seems too high. Instead, we recommend a multi-threshold approach, with more intense risk assessment beginning at lower threshold, e.g. 100 patrons, and increasing with higher numbers and according to type of risk (i.e. outdoor events and *stag and doe events*).
- **Monitoring of large events:** In order to monitor large events more closely, CAMH proposes mandatory training of all servers involved in the service and sale of alcohol, as well as increasing the number of SOP inspectors to facilitate more efficient and effective inspection and control of breaches and high risk drinking and selling practices.
- **Permit holders subject to monetary penalties:** For large events, the Ministry should consider the requirement of a mandatory damage deposit. The monetary penalties could be deposited back into the SOP program for further public awareness initiatives and training of LCBO staff.
- **A list of standards conditions for permit type:** Standard conditions for large events should be developed and enforced. CAMH has developed the following list on the basis of evaluation of public safety interventions designed to reduce the risk of harm at events serving alcohol:
 - Use disposable plastic/paper cups (no bottles or glass).
 - No cash bar.
 - Limit the number of tickets per person at one time to 8 or less.
 - Make non-alcoholic drinks available at a low cost.
 - Make low alcohol content drinks available (a minimum of 30% designated of the total available).
 - Be able to redeem unused drink tickets any time during the event.
 - Ensure that SOPs are issued only for venues that the municipality has vetted as being eligible.

CAMH welcomes the opportunity to meet with the Ministry to review the guidelines and refine the list based on evaluative research.

Operations

The Ministry suggests several operational issues for reform including changing the closing time to mirror the hours for licensed establishments and requiring mandatory server training.

- **Change closing time from 1:00am to 2:00am:** A “last call” at closing time should not be issued, given that it encourages increased consumption immediately prior to leaving the establishment. There is no compelling reason to extend the regulated closing time beyond the current 1:00 am, particularly since staff at SOP events are less likely to be trained and able to properly manage problematic late-night patrons.
- **Mandatory server training for all persons involved serving alcohol:** CAMH encourages mandatory server training for all persons (volunteers, applicants, employees) involved in the sale and service of alcohol at an SOP event, and in particular for large-scale and high risk events.
- **Other areas for SOP reform:** In order to discourage underage drinking, CAMH recommends identification be presented to purchase alcohol and be enforced at all times. In addition, the placement of door monitors at building entrances and exits, as well as floor supervisors can assist in making the event safe. We also suggest that the license holder, volunteers, servers, and any individual working at the time of the event are not to consume alcohol.
- **Non-alcohol beverages:** CAMH recommends that SOP permit holders be required to provide sufficient supplies of non-alcohol beverages, that are clearly visible to patrons and provided by servers. If there is a charge for alcoholic drinks, then the charge for non-alcoholic beverages should be substantially less than the lowest priced alcoholic drinks.
- **Monitoring:** CAMH recommends that Ministry monitor and track the impact of any changes in regulation, including detailed data on the number, type, location and nature of SOP events and whether or not there were health, safety or public disruption incidents associated with them. CAMH staff would be pleased to work with Ministry staff in assessing archival data from previous SOP events (that do not reveal confidential information about the permit holder) and in setting up a forward-looking tracking system.

Once again, thank you for providing us with the opportunity to comment and make suggestions on the reform. We welcome opportunities to share further information should you or your Ministry wish to follow up on any of the recommendations we have made. We encourage the Ministry to work with all interested stakeholders in evaluating the regulations through a phased in and flexible approach that is open to refinement. CAMH would be pleased to work closely with the Ministry of Government Services, the AGCO and others to evaluate the effect of regulatory and policy changes.

For more information, please contact:

Barney Savage
Director of Public Policy
Centre for Addiction and Mental Health
1001 Queen Street West
Toronto, Ontario
M6J 1H4

barney_savage@camh.net

ⁱ To determine dependence the survey measured seven symptoms among respondents who drank heavily, that is, those who reported having had five or more drinks on a single occasion at least once a month during the previous year. The two most common symptoms reported were being drunk or hung over at work or school or while taking care of children, and drinking much more than they had intended.

ⁱⁱ Statistics Canada (2002). Canadian Community Health Survey: Mental Health and Well-being.

ⁱⁱⁱ CAMH Monitor, Centre for Addiction and Mental Health.

^{iv} J. Rehm, D. Baliunas, S. Brochu, B. Fischer, W. Gnam, J. Patra, S. Popova, A. Sarnocinska-Hart, B. Taylor. (2006). "The Cost of Substance Abuse in Canada 2002". Canadian Centre on Substance Abuse.