



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 194

**An Act to amend the Act respecting liquor
permits and other legislative provisions**

Introduction

**Introduced by
Mr. Robert Poëti
Member for Marguerite-Bourgeois**

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EXPLANATORY NOTES

This bill proposes various amendments with respect to the use of liquor permits.

The bill revises the different classes of permits currently in use by converting bar permits, public house or pub permits and tavern permits into bar permits and by creating several new permits, which are the lodging facility permit, the caterer permit and the accessory permit. In addition to describing what the new permits authorize, the bill updates the descriptions of several existing permits.

The bill also establishes the principle that only one permit can be issued for each class of permit per establishment, in contrast to the current situation where a separate permit must be issued for each room and each terrace belonging to an establishment.

As a condition for the issue of permits authorizing the sale or service of alcoholic beverages for consumption on the premises, permit applicants now must produce a certificate of conformity showing that their establishment is in conformity with a detailed layout plan. In addition, the requirements that apply to permit holders with regard to past offences or indictable offences are extended to include establishment managers.

Certain conditions relating to the use of permits authorizing the sale or service of alcoholic beverages for consumption on the premises are also modified. The holders of certain permit classes may now allow a patron to take home a partially consumed container of wine purchased on the premises, provided it has been securely resealed. The requirement to serve a meal that applies to certain types of permits is also clarified. The Régie des alcools, des courses et des jeux is granted the power to modify the hours during which a permit may be used for certain events. In addition, permit holders will be required to ensure that persons on staff, determined by regulation, have undergone training on selling and serving alcoholic beverages in a responsible manner.

Other rules contained in the Act respecting liquor permits are amended in order to allow permits to be used for a seasonal period, to better regulate a temporary change of a place where a permit is used, to specify certain powers of the Régie with respect to the

cancellation and suspension of permits and to grant it the power to determine by regulation conditions for the issue and use of all liquor permits.

In addition to consequential amendments made to other statutes, including the Act respecting offences relating to alcoholic beverages, the latter is amended to render certain rules more flexible, particularly those pertaining to the admittance of minors to a bar terrace, preparing carafes of wine and mixing alcoholic beverages in advance, using alcoholic beverage containers for decorative purposes, and using alcoholic beverages for professional, research or educational purposes, or for the fabrication of articles or products.

LEGISLATION AMENDED BY THIS BILL:

- Cinema Act (chapter C-18.1);
- Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14);
- Act respecting lotteries, publicity contests and amusement machines (chapter L-6);
- Act respecting liquor permits (chapter P-9.1);
- Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Tobacco Act (chapter T-0.01).

Bill 194

AN ACT TO AMEND THE ACT RESPECTING LIQUOR PERMITS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LIQUOR PERMITS

1. Section 1 of the Act respecting liquor permits (chapter P-9.1) is amended by adding the following paragraph at the end:

“In addition, the term “lodging facility” means a tourist accommodation establishment for which a classification certificate was issued under the Act respecting tourist accommodation establishments (chapter E-14.2) and which falls into one of the classes determined by the board by regulation.”

2. Section 25 of the Act is replaced by the following section:

“25. The permits issued under this Act are lodging facility, restaurant sales, restaurant service, bar, club, caterer, accessory, grocery, cider seller, reunion, “Man and his World”, “Olympic Grounds”, raw material and equipment wholesaler, and raw material and equipment retailer permits.”

3. Sections 26 and 27 of the Act are repealed.

4. The Act is amended by inserting the following section before section 28:

“27.1. A lodging facility permit authorizes the permit holder to sell alcoholic beverages by means of a minibar located in a guest room in the lodging facility, by means of an automatic vending machine located in the lodging facility, as well as at the front desk of the facility.

The permit allows alcoholic beverages sold in accordance with the first paragraph to be consumed in a guest room of the lodging facility and in any common areas approved by the board, subject to the conditions prescribed by regulation.”

5. Section 28 of the Act is replaced by the following section:

“28. A restaurant sales permit authorizes the permit holder, in an establishment whose principal and usual activity is to prepare, sell and serve food on the premises, to sell alcoholic beverages for consumption on the premises as an accompaniment to the food.

The permit also authorizes the permit holder to allow a patron to take home a partially consumed container of wine purchased and served with food in the establishment, provided the container has been securely resealed.

When the permit is used in a lodging facility, it authorizes the sale and consumption of alcoholic beverages other than as an accompaniment to food, in the manner set out in section 27.1 and subject to the same conditions.

The permit also authorizes the sale, for takeout or delivery in a hermetically sealed container, of alcoholic beverages, except alcohol and spirits, when purchased with food prepared by the permit holder. It also authorizes the permit holder to sell alcoholic beverages elsewhere than in the permit holder's establishment and its dependencies, when serving food prepared by the permit holder. In the latter case, section 30.1 applies, with the necessary modifications."

6. Section 28.1 of the Act is replaced by the following section:

"28.1. A restaurant service permit authorizes the permit holder, in an establishment whose principal and usual activity is to prepare, sell and serve food on the premises, to serve patrons and allow them to consume on the premises, as an accompaniment to the food, alcoholic beverages they have brought to the establishment, and which they can also take home, provided the beverages are not of domestic manufacture."

7. Section 29 of the Act is amended

(1) by striking out “, except draught beer and wine on tap,”;

(2) by adding the following paragraphs at the end:

“A bar permit also authorizes the permit holder to allow a patron to take home a partially consumed container of wine purchased in the establishment, provided it has been securely resealed.

When the permit is used in a lodging facility, it authorizes the sale and consumption of alcoholic beverages in the manner set out in section 27.1 and subject to the same conditions.”

8. Section 30 of the Act is amended

(1) by striking out “, except draught beer and wine on tap,”;

(2) by adding the following paragraph at the end:

“The sale of alcoholic beverages must be accessory to the activities of the club.”

9. The Act is amended by inserting the following sections after section 30:

“30.1. A caterer permit authorizes the sale of alcoholic beverages, as an accompaniment to food the permit holder has prepared, for consumption on the premises where the food is served, elsewhere than in the permit holder’s establishment and its dependencies. The permit holder must remain on the premises where the food service takes place for as long as alcoholic beverages sold by the permit holder are being consumed, except if the food service takes place at the residence of a customer.

The caterer permit also authorizes the permit holder to allow a patron to take home a partially consumed container of wine purchased during the food service, provided it has been securely resealed. Otherwise, the permit holder must destroy the wine and any other alcoholic beverages remaining in containers that have been opened. Moreover, the permit holder must take all unopened containers of alcoholic beverages back to the permit holder’s establishment. However, when the food is served at a customer’s residence, the permit holder may, at the end of the food service, leave all alcoholic beverage containers on the premises, whether opened or not.

“30.2. An accessory permit authorizes the permit holder to sell alcoholic beverages for consumption on the premises, in an establishment where social, family, sporting and cultural activities authorized by the board are held, during such activities. The activities must constitute the principal vocation of the establishment.”

10. Section 31 of the Act is amended by replacing “beer except draught beer” in the first paragraph by “and deliver, in a hermetically sealed container, beer”.

11. Section 33 of the Act is amended by striking out “, except draught beer or wine on tap,”.

12. Section 34 of the Act is amended

(1) by replacing “, for consumption on the premises, the sale of alcoholic beverages specified in the permit” in the first paragraph by “the sale of alcoholic beverages for consumption on the premises”;

(2) by replacing “where the manifestations and activities called “Man and his World” take place” in the second paragraph by “and belonging to Ville de Montréal”;

(3) by adding “and belonging to the Régie des installations olympiques” at the end of the third paragraph.

13. Section 35 of the Act is amended by adding “and is not transferable” at the end of the second paragraph.

14. The Act is amended by inserting the following section after section 35:

“35.1. The board shall issue one permit only for each class of permit that may be used in an establishment.

The permit covers all rooms and terraces mentioned on it. In the case of an accessory permit, it also covers spaces reserved for spectators or participants, including any bleacher or platform mentioned on the permit.”

15. Section 36 of the Act is amended by replacing “within the meaning of the Immigration Act (Revised Statutes of Canada, 1985, chapter I-2)” by “or hold a work permit issued by Canadian immigration authorities authorizing him to work in Québec”.

16. Section 39 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) hold a certificate of occupancy issued by the municipality in whose territory the establishment is situated, or any other document issued by it attesting that the purpose or use of the establishment is in conformity with zoning by-laws;”.

17. Section 40 of the Act is amended by replacing paragraphs 1 to 2.1 by the following paragraphs:

“(1) show compliance with the conditions provided in this division and any other condition fixed by regulation;

“(2) specify the address of the establishment and specify each room, each terrace and each reserved space where the permit is to be used;

“(2.0.1) specify, where the permit is to be used in a lodging facility in accordance with section 27.1, the third paragraph of section 28 or the third paragraph of section 29, the address of the establishment, the total number of minibars, the location of each automatic vending machine and the place where alcoholic beverages are stored in the establishment;

“(2.0.2) specify, in the case of a caterer permit, the address of the establishment where food is prepared and the place where alcoholic beverages are stored in the establishment or its dependencies;

“(2.0.3) specify, in the case of an accessory permit, the activities for which the person is applying for the permit;

“(2.1) file a detailed layout plan of the rooms, terraces and reserved spaces and a document specifying the number of persons who may be admitted at the same time to each of these;

“(2.2) file a certificate of conformity stating that the layout of the rooms, terraces and reserved spaces is in conformity with the detailed plan filed with the board; and”.

18. Section 41 of the Act is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“The board must also refuse to issue a permit if the applicant and, in the case of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises, the manager of the establishment for which the permit is applied for was convicted, within the five years preceding the application, of an indictable offence related to the activities to which this Act applies, or has not served the sentence imposed for such an indictable offence, unless the person has obtained a pardon for the offence.”

19. Section 42 of the Act is replaced by the following section:

“42. The board may refuse to issue a permit if five years have not elapsed since the date on which the applicant or, in the case of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises, the manager of the establishment for which the permit is applied for

(1) was convicted of an offence against this Act or the regulations or against the Act respecting offences relating to alcoholic beverages (chapter I-8.1); or

(2) finished serving a sentence for an indictable offence related to the activities to which this Act applies or, where such is the case, began a period of probation for such an indictable offence.

However, the board may not refuse to issue a permit for a reason specified in the first paragraph if the applicant or the manager has obtained a pardon for the offence or indictable offence.”

20. Section 42.1 of the Act is amended by replacing “issue” in the first paragraph by “consider an application for”.

21. Section 45 of the Act is amended

(1) by replacing “and 3 of the first paragraph of section 39 and paragraph 2 of section 41” in the first paragraph by “; 3 and 5 of the first paragraph of section 39 and paragraph 2.2 of section 40”;

(2) by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraphs:

“(2) files a detailed layout plan of the rooms, terraces and reserved spaces, and undertakes to supply the certificate of conformity required under paragraph 2.2 of section 40 within the period fixed by the board;

“(3) undertakes to obtain the occupancy certificate or any other document required under paragraph 3 of section 39 within the period fixed by the board.”;

(3) by replacing the last paragraph by the following paragraph:

“The permit is issued only if the applicant’s undertakings are fulfilled to the satisfaction of the board.”

22. Section 46 of the Act is amended by striking out “, except a by-law made under the Temperance Act (Revised Statutes, 1964, c. 45)”.

23. Section 46.1 of the Act is amended by replacing “in a room or on a terrace” by “in each room, on each terrace and in each reserved space”.

24. Section 47 of the Act is replaced by the following section:

“47. The permit shall state, in addition to its class, the address of the establishment, the annual or seasonal period of operation, the name of the permit holder, the rooms, terraces and reserved spaces covered by the permit and the number of persons who may be admitted at the same time to each, the date of payment of the annual duties, the authorizations and approvals obtained, as well as any other information that the board deems necessary.”

25. Section 50 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“50. Section 38, subparagraphs 1 to 3 of the first paragraph of section 39, the second and third paragraphs of that section, paragraphs 2.1 and 2.2 of section 40, subparagraphs 1.1 and 1.2 of the first paragraph of section 41, sections 42 and 45 and the statements required under section 47 relating to the annual or seasonal period of operation, the number of persons who may be admitted at the same time to each place covered by the permit, and the date of payment of the annual duties do not apply to an application for a reunion permit.”;

(2) by replacing “Subparagraphs 1 to 1.2 of the first paragraph of section 41” at the beginning of the second paragraph by “Paragraphs 2.1 and 2.2 of section 40, subparagraphs 1.1 and 1.2 of the first paragraph of section 41 and the statement required under section 47 relating to the number of persons who may be admitted at the same time to each place covered by the permit”;

(3) by replacing the third paragraph by the following paragraph:

“Subparagraphs 2 and 3 of the first paragraph of section 39, paragraphs 2.1 and 2.2 of section 40, sections 41 and 45 and the statements required under section 47 relating to the annual or seasonal period of operation, the number of persons who may be admitted at the same time to each place covered by the permit and the date of payment of the annual duties do not apply to an

application for a “Man and his World” permit or an “Olympic Grounds” permit.”;

(4) by replacing “paragraph 2.1” in the fourth paragraph by “paragraphs 2.1 and 2.2”;

(5) by replacing “the second paragraph of section 47” in the fourth paragraph by “the statement required under section 47 relating to the number of persons who may be admitted at the same time to each place covered by the permit”;

(6) by replacing the fifth paragraph by the following paragraphs:

“Paragraphs 2, 2.1 and 2.2 of section 40 and the statement required under section 47 relating to the number of persons who may be admitted at the same time to each place covered by the permit do not apply to an application for a lodging facility permit or a caterer permit.

Paragraphs 2.1 and 2.2 of section 40 and subparagraphs 1 to 1.2 of the first paragraph of section 41 do not apply to an application for a permit, other than a bar permit, made by reason of the alienation or renting out of the establishment, or the retaking of possession of the establishment following the exercise of a right to take in payment or the carrying out of a similar stipulation, provided the permit applied for is of the same class and no additional permit, approval, authorization or place is applied for, unless the board has begun steps to suspend or cancel the permit or has received an application for that purpose under section 85.”

26. The Act is amended by inserting the following section after section 51:

“51.1. A permit can be issued for a seasonal or annual period of operation.

A permit issued for a seasonal period is deemed not to be in force outside the period for which it is issued.

Moreover, a permit that has been suspended may not be used for as long as the suspension remains in force.”

27. Section 53 of the Act is amended

(1) by replacing “le droit annuel devient payable pour maintenir ce permis en vigueur ainsi que du montant de ce droit” in the first paragraph in the French text by “les droits annuels deviennent payables pour maintenir ce permis en vigueur ainsi que du montant de ces droits”;

(2) by replacing the second paragraph by the following paragraph:

“The board shall also send the permit holder an information updating form, which must be completed and sent to the board at the same time as the annual duties.”

28. Section 54 of the Act is amended

(1) by inserting “or the form referred to in section 53” after “the notice” in the first paragraph;

(2) by replacing “annual duties” in the first paragraph by “annual duties and to update information”.

29. Section 55 of the Act is amended by replacing “and he pays the annual duties and the additional costs determined in accordance with the regulations” at the end of the second paragraph by “, pays the annual duties and the additional costs determined by regulation and sends the board the duly completed information updating form”.

30. The Act is amended by inserting the following section after section 58:

“58.1. A permit issued for a seasonal period of operation authorizes the permit holder to use it throughout the period specified on the permit, which may not exceed 183 days.”

31. Section 59 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“59. The permits issued under this Act, other than grocery, cider seller, raw material and equipment wholesaler and raw material and equipment retailer permits, may be used from 8 a.m. until 3 a.m. the following day.

In addition, the sale of alcoholic beverages by means of a minibar located in a guest room in a lodging facility under section 27.1, the third paragraph of section 28 or the third paragraph of section 29 may take place at any hour.”

32. Section 61 of the Act is replaced by the following section:

“61. The board may, on an application, change the hours during which a permit authorizing the sale or service of alcoholic beverages for consumption on the premises may be used on a statutory holiday or during a cultural, social, sporting or tourist event.

The board’s decision may pertain to one or more permit holders or to one or more classes of permits, and may apply on part or all of the territory of Québec.

The board shall notify the secretary-treasurer or the clerk of the local municipality in whose territory the applicant intends to use the permit and the director of the Sûreté du Québec or of the police force established for that territory and authorized under section 111.

The board shall allow such a change if it considers that it is not contrary to the public interest nor likely to disturb public tranquility.”

33. Section 62 of the Act is replaced by the following section:

“62. The holder of a bar permit shall not admit a person to a room or a terrace covered by the permit outside the hours during which the permit may be used, or allow a person to stay there for more than 30 minutes after those hours, unless the person is an employee of the establishment.

However, between 6 a.m. and 8 a.m., such a permit holder may admit a person to a room or a terrace covered by the permit provided no alcoholic beverage is consumed and no video lottery machine may be played.”

34. Section 63 of the Act is replaced by the following section:

“63. The holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, other than a bar permit, may admit a person to a room, a terrace or a reserved space covered by the permit outside the hours during which the permit may be used.

No alcoholic beverage may be consumed there more than 30 minutes after those hours.”

35. Section 65 of the Act is replaced by the following section:

“65. Despite section 59, in the passenger terminals at the Montréal–Pierre Elliott Trudeau International Airport, the Québec City Jean Lesage International Airport and any other airport determined by regulation, a restaurant sales permit and a bar permit may be used at any hour.”

36. Section 66 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“66. A permit holder must post the permit in public view. The permit holder must also make copies and post one in every room and on every terrace covered by the permit.

In addition, the holder of a caterer permit must carry a copy of the permit at all times when using the permit. The same applies to the holder of a restaurant sales permit when serving alcoholic beverages elsewhere than in the permit holder’s establishment and its dependencies.”;

(2) by replacing “He” at the beginning of the last paragraph by “A permit holder”.

37. The Act is amended by inserting the following section after section 66:

“66.1. The holder of a permit must see to it that the permit is replaced if it is damaged or contains inaccurate information. The board shall replace the permit on payment by the permit holder of the costs fixed by regulation.”

38. Section 68 of the Act is amended

(1) by replacing “, bar permit, public house or “pub” permit or tavern permit” in the first paragraph by “or bar permit”;

(2) by adding the following paragraph at the end:

“Despite section 73, the permit holder may allow the presentation of a show, the projection of a film or dancing during the reception.”

39. The Act is amended by inserting the following section after the heading of subdivision 3 of Division IV of Chapter III:

“69.1. Not more than one permit may be used at the same time in any room, on any terrace or in any reserved space.”

40. Section 71 of the Act is replaced by the following section:

“71. The holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises must notify the board in writing of the name, address and date of birth of the manager of the establishment within 10 days of the beginning of the person’s employment.”

41. Section 72 of the Act is replaced by the following section:

“72. A permit holder must inform the board of any change affecting any information or document given to the board for the issue of a permit within 30 days of that change and, where required, obtain the board’s approval.”

42. Section 72.1 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “The same applies to the holder of a caterer permit on the premises where the food is served.”;

(2) by replacing “at a meal” at the end of subparagraph 1 of the second paragraph by “as an accompaniment to food”;

(3) by inserting “or an amusement machine” after “a video lottery machine” in the last paragraph.

43. Section 73 of the Act is replaced by the following section:

“73. The holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, other than a reunion permit, a “Man and his World” permit, an “Olympic Grounds” permit, a caterer permit or an accessory permit, shall not allow, in a room or on a terrace covered by the permit, the presentation of a show, the projection of a film or dancing, unless authorized to do so by the board. However, an authorization from the

board is not required for the use of a radio, a television or a sound reproduction device in a room or on a terrace.”

44. Section 74 of the Act is amended

(1) by replacing “upon payment of the duties determined” in the first paragraph by “upon filing of the documents required by paragraphs 2.1 and 2.2 of section 40 and upon payment of the duties determined”;

(2) by striking out the second paragraph.

45. Section 74.1 of the Act is amended by replacing “the floor plan of the room or terrace where the activity is authorized, certified by the board pursuant to the second paragraph of section 74 or the third paragraph of section 84.1” by “a detailed layout plan of the rooms, terraces and reserved spaces covered by the permit”.

46. Section 76 of the Act is repealed.

47. Section 77.0.1 of the Act is amended by replacing “the person responsible for the management” by “the manager”.

48. The Act is amended by inserting the following sections after section 77.2:

“77.3. The holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, other than a reunion permit, must ensure that the persons or classes of persons determined by regulation who are on staff have undergone training, recognized by the board, on selling and serving alcoholic beverages in a responsible manner.

“77.4. Only the holder of a lodging facility permit or the holder of a restaurant sales permit or bar permit used in a lodging facility may sell alcoholic beverages by means of an automatic vending machine. The permit holder must comply with the conditions fixed by regulation relating to the use of an automatic vending machine and ensure that any such machine is subject to uninterrupted visual monitoring by an employee able to intervene if and when necessary. Further, the permit holder may not sell alcoholic beverages by means of an automatic vending machine located in a room or on a terrace covered by a permit authorizing the sale or service of alcoholic beverages for consumption on the premises.”

49. The heading of Division V of Chapter III of the Act is replaced by the following heading:

“DIVISION V

“TEMPORARY USE OF AND CHANGES TO PERMITS”.

50. The heading of subdivision 2 of Division V of Chapter III of the Act is replaced by the following heading:

“§2. — Changes to permits”.

51. The Act is amended by inserting the following section before section 82:

“81.1. A permit holder may, while the permit is in effect,

(1) before the 30th day preceding the end of the permit’s seasonal period of operation, apply for a conversion to an annual period of operation, on payment of the duties fixed by regulation; or

(2) before the 183rd day following the date of payment of the annual duties, in the case of a permit with an annual period of operation, apply for a conversion to a seasonal period of operation; no duties or costs are reimbursed in such a case.”

52. Section 82 of the Act is amended by replacing “in a place other than that specified in his permit” by “in other places than those specified in his permit”.

53. Section 83 of the Act is replaced by the following section:

“83. A permit holder who applies for a permanent change of the place where the permit is used must comply with the conditions provided in section 39 and, where applicable, with those provided in section 40.

Subparagraph 1 of the first paragraph of section 41 applies, with the necessary modifications, to the application.”

54. Section 84 of the Act is amended

(1) by inserting “and unforeseeable” after “exceptional” in the first paragraph;

(2) by replacing “du droit déterminé” in the first paragraph in the French text by “des droits déterminés”;

(3) by replacing “of place” in the first paragraph by “of one of the places”.

55. The Act is amended by inserting the following section after section 84:

“84.0.1. When major changes are being made to the layout of a room, terrace or reserved space in an establishment, the board may, on payment of the duties determined by regulation, authorize on a temporary basis that the permit be used in a different place.

A permit holder who applies for an authorization for such a change must comply with the conditions provided in paragraphs 1, 2, 2.0.1, 2.0.2 and 3 of section 40.

The authorization may be renewed for the period fixed by the board.”

56. The heading of subdivision 3 of Division V of Chapter III of the Act is repealed.

57. Section 84.1 of the Act is replaced by the following section:

“84.1. The holder of a restaurant sales, restaurant service, bar, club or accessory permit may not, without the authorization of the board,

- (1) change the layout of a room, terrace or reserved space;
- (2) use the permit in an additional place in the establishment; or
- (3) change the number of persons who may be admitted to one of the places covered by the permit.

A permit holder who applies for a change described in the first paragraph must comply with the conditions provided in subparagraphs 2 and 5 of the first paragraph of section 39 and in paragraphs 1, 2, 2.1, 2.2 and 3 of section 40.”

58. Section 86 of the Act is amended

(1) by replacing “to 2” in subparagraph 2 of the first paragraph by “and 1.2”;

(2) by replacing subparagraph 8 of the first paragraph by the following subparagraphs:

“(8) the permit holder contravenes any provision of this Act other than those referred to in the second paragraph, or refuses or neglects to comply with a requirement of the board under section 110;

“(8.1) the form completed by the permit holder under section 53 contains information that is inaccurate or incomplete;”;

(3) by replacing subparagraph 9 of the first paragraph by the following subparagraph:

“(9) the permit holder or, where the permit holder is a partnership or legal person referred to in section 38, a person mentioned in that section or the manager of the establishment described in section 42 has been convicted of an offence against this Act or the regulations, or the Act respecting offences relating to alcoholic beverages (chapter I-8.1);”;

(4) by adding “or a condition imposed on the use of the permit under section 87.0.1” at the end of subparagraph 10 of the first paragraph;

(5) by striking out “public house or “pub” permit, tavern permit or” in subparagraph 1 of the second paragraph;

(6) by replacing “un mineur” in subparagraph 1 of the second paragraph in the French text by “une personne mineure”;

(7) by inserting “or, where applicable, the manager referred to in section 41” after “mentioned in section 38” in subparagraph 3 of the second paragraph;

(8) by replacing subparagraph *a* of the third paragraph by the following subparagraph:

“(a) the quantity of alcoholic beverages or the number of video lottery machines or amusement machines involved;”.

59. Section 86.0.1 of the Act is amended by inserting “or an approval” after “an authorization” and “or approval” after “the authorization”.

60. Section 86.3 of the Act is repealed.

61. Section 87 of the Act is replaced by the following section:

“**87.** The board may, instead of suspending a permit for a reason specified in subparagraph 2, 6 or 7 of the first paragraph of section 86, order the permit holder to take the necessary corrective measures within the time it fixes.”

62. The Act is amended by inserting the following section after section 87:

“**87.0.1.** The board may, instead of or in addition to suspending a permit for a reason specified in subparagraph 8 of the first paragraph of section 86, impose any condition on the use of the permit, including a restriction or a prohibition, it considers appropriate given the facts brought to its attention.”

63. Section 87.1 of the Act is replaced by the following section:

“**87.1.** A condition imposed under section 87.0.1 on the use of a permit authorizing the sale or service of alcoholic beverages which restricts the hours during which activities may be carried on under the permit does not prevent the permit holder, unless it is prohibited by the board in its decision, from admitting a person to a place covered by the permit and tolerating the person’s presence there during the hours determined in Division IV of Chapter III provided that

(1) no alcoholic beverage is sold or served during those hours; and

(2) no alcoholic beverage is consumed more than 30 minutes after the beginning of those hours.

The restriction of hours also applies to any authorization granted under section 73 or approval given under section 27.1, the third paragraph of section 28 or the third paragraph of section 29.”

64. Section 89 of the Act is amended

- (1) by striking out “subparagraph 9 of the first paragraph of”;
- (2) by adding the following paragraph at the end:

“The acceptance of such an undertaking does not operate to limit the power of the board to order the suspension of the permit under section 86.”

65. Section 89.1 of the Act is amended by striking out “, public house or “pub” permit or tavern permit” in the first paragraph.

66. Section 89.2 of the Act is repealed.

67. Section 95 of the Act is replaced by the following section:

“**95.** Any application filed with the board, except an application for a reunion permit or an application referred to in the second paragraph of section 79, must include the file processing costs determined by regulation. These costs may vary depending on the type of application and are not reimbursable.”

68. Section 96 of the Act is replaced by the following section:

“**96.** The board shall publish a notice in at least one newspaper circulated in the local municipal territory where the establishment is to be situated when the board receives

- (1) an application for a restaurant sales permit, a restaurant service permit, a bar permit or an accessory permit;
- (2) an application to permanently change the place where such a permit is used;
- (3) an application for an additional room, terrace or reserved space to be covered by such a permit;
- (4) an application to increase by more than 50%, or to increase by 100 persons or more, the number of persons who may be admitted to one of the places covered by such a permit, or any subsequent application to increase the number of persons who may be admitted to one of the places covered by such a permit which is filed within five years of that application;

(5) an application to change the hours during which such a permit may be used;

(6) an application to convert the period of operation under such a permit to an annual period of operation;

(7) an application to obtain an authorization for the presentation of a show, the projection of a film or dancing in one of the places covered by a restaurant sales permit, a restaurant service permit or a bar permit; or

(8) in the case of an accessory permit, an application to change the activities authorized under the permit.

On receiving one of those applications, the board shall notify the secretary-treasurer or the clerk of the local municipality in whose territory the applicant intends to use the permit and the director of the Sûreté du Québec or of the police force established for that territory and authorized under section 111.

The application must be filed with the publication costs for the notice described in the first paragraph in accordance with the terms determined by the board. These costs are not reimbursable.”

69. Section 97 of the Act is replaced by the following section:

“**97.** Section 96 does not apply to

(1) an application for a restaurant sales permit, a restaurant service permit, a bar permit or an accessory permit made within 30 days after the board officially acknowledged cancellation of a permit by operation of law, provided the application is made by the holder of the permit so cancelled, the permit applied for is of the same class and no additional permit, authorization, approval or place is applied for; or

(2) an application for a restaurant sales permit, a restaurant service permit or an accessory permit made by reason of the alienation or renting out of the establishment following the exercise of a right to take in payment or the carrying out of a similar stipulation, provided the permit applied for is of the same class and no additional permit, authorization, approval or place is applied for.”

70. Section 99 of the Act is amended by replacing “contemplated in paragraph 1” in the first paragraph by “provided for in the first paragraph”.

71. Section 100.1 of the Act is amended by striking out “, by registered or certified mail or by service on the person,” in the second paragraph.

72. Section 102 of the Act is amended by adding “or for the withdrawal of a place covered by a permit” at the end of paragraph 2.

73. Section 114 of the Act is amended

(1) by replacing paragraph 2 by the following paragraphs:

“(2) determining conditions relating to the issue and use of a permit under this Act, and the events for which a reunion permit may be issued;

“(2.1) determining classes of tourist accommodation establishments for the purpose of determining what constitutes a lodging facility;

“(2.2) determining the conditions that must be met to obtain approval for common areas in a lodging facility referred to in section 27.1, the third paragraph of section 28 and the third paragraph of section 29, and the conditions relating to the use of an automatic vending machine;

“(2.3) determining the form and content of the detailed layout plan and the certificate of conformity required under paragraphs 2.1 and 2.2 of section 40 and the conditions relating to the filing of those documents;

“(2.4) determining, for the purposes of section 65, the airports in which a restaurant sales permit and a bar permit may be used at any hour;”;

(2) by striking out paragraph 3.1;

(3) by inserting “and the fee for the issue of a duplicate,” after “payable under this Act” in paragraph 4;

(4) by replacing “and terraces” in paragraph 6 by “, terraces and reserved spaces”;

(5) by striking out paragraph 6.1;

(6) by replacing “an establishment or to a room or a terrace thereof” at the end of paragraph 7 by “each room, terrace and reserved space in an establishment”;

(7) by replacing “to” in paragraph 9 by “, 67 and”;

(8) by striking out paragraphs 10 and 10.1;

(9) by inserting the following paragraphs after paragraph 13.1:

“(13.2) determining the persons or classes of persons who must undergo training on selling and serving alcoholic beverages in a responsible manner, which training may vary according to the persons, the classes of persons or the classes of permits; the regulation may include exemptions or transitional plans for persons who are permit holders at the time the regulation comes into force and for personnel on staff at that time;

“(13.3) determining criteria for recognition by the board of training given in and outside of Québec;”.

CINEMA ACT

74. Section 92 of the Cinema Act (chapter C-18.1) is amended by striking out “pub, tavern,” in paragraph 2.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

75. Section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended by striking out paragraphs 2, 17, 20 and 26.

76. Section 83 of the Act is amended by replacing “paragraph *i*” in the introductory clause by “paragraphs *i* and *j*”.

77. The Act is amended by inserting the following section after section 84:

“84.0.1. Despite any provision to the contrary, the holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises may keep in the establishment any container of alcoholic beverages to which the Corporation’s stamp is not affixed, any container containing an alcoholic beverage made by the holder of a small-scale production permit to which a numbered sticker issued by the board is not affixed or any container of beer not identified as required under the Regulation respecting the prescribed manner of identifying a beer container (chapter T-0.1, r. 1), provided the container is empty, sealed and displayed in public view for decorative purposes.”

78. Section 84.1 of the Act is amended

(1) by striking out “that meets the standards prescribed by regulation of the board” at the end of the first paragraph;

(2) by striking out the third paragraph.

79. The Act is amended by inserting the following section after section 84.1:

“84.2. Despite any other provision of this Act, the holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises may prepare carafes of wine or mix alcoholic beverages in advance, as of 30 minutes before the hours during which the permits may be used, provided any wine remaining in the carafes or any remaining mix prepared by the permit holder is destroyed or eliminated at the latest 30 minutes following the end of those hours.”

80. Section 85 of the Act is replaced by the following section:

“85. In any establishment where a permit is used, it is forbidden, subject to section 27.1, the third and fourth paragraphs of section 28, the third paragraph of section 29, section 30.1 and section 68 of the Act respecting liquor permits

(chapter P-9.1), to sell or serve alcoholic beverages elsewhere than in the places specified by the board or authorized by law.”

81. Section 91 of the Act is amended by adding “, bar permit or caterer permit” at the end of paragraph *j*.

82. Section 92 of the Act is amended

(1) by adding “, bar permit or caterer permit” at the end of paragraph *g*;

(2) by inserting “or a caterer permit” after “restaurant sales permit” in paragraph *h*.

83. Section 93 of the Act is amended by inserting “or a caterer permit” after “restaurant sales permit” in subparagraph *g* of the first paragraph.

84. Section 94 of the Act is amended by striking out “where no prohibition by-law is in force” at the end of the first paragraph.

85. Sections 96 to 99 of the Act are replaced by the following sections:

“96. No provision of this Act shall prohibit members of a professional order from purchasing, selling or using alcoholic beverages for professional purposes and in the exercise of their functions.

“97. No provision of this Act shall prohibit the purchase, possession, consumption or service of alcoholic beverages for research or educational purposes.

“98. In the cases described in sections 96 and 97, the alcoholic beverages must be purchased from the Corporation.”

86. Sections 100 and 101 of the Act are replaced by the following section:

“100. No provision of this Act shall prevent the sale and delivery of alcohol by a distiller directly to the manufacturer of articles requiring such alcohol.”

87. Section 102 of the Act is amended by striking out the second and third paragraphs.

88. Section 103 of the Act is repealed.

89. The heading of Division XI.1 of the Act is replaced in the French text by the following heading:

“PERSONNES MINEURES”.

90. Section 103.1 of the Act is replaced by the following section:

“103.1. The holder of a permit issued under the Act respecting liquor permits (chapter P-9.1) or of a small-scale production permit or a brewer’s permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) shall not sell or serve an alcoholic beverage to a minor or allow a minor to consume an alcoholic beverage in the permit holder’s establishment or in any place where the permit holder serves food. Further, the permit holder shall not sell or serve an alcoholic beverage to a person of full age while knowing that that person is buying the beverage, or having it served, for a minor.”

91. Section 103.2 of the Act is amended

(1) by striking out “public house or “pub” permit, tavern permit or” in the first paragraph;

(2) by replacing “un mineur” in the first paragraph in the French text by “une personne mineure”;

(3) by replacing “one of these permits” in the introductory clause of the second paragraph by “such a permit”;

(4) by replacing “un mineur” in the second paragraph in the French text by “une personne mineure”;

(5) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) on a terrace before 11 p.m., if the minor is accompanied by a person of full age;”;

(6) by replacing “le mineur” in subparagraphs 2 and 3 of the second paragraph in the French text by “la personne mineure”.

92. Section 103.3 of the Act is amended by striking out “in a theatre or amphitheatre, at a race-track, in a sports centre, in a hunting or fishing lodge or”.

93. Sections 103.5 and 103.6 of the Act are replaced by the following section:

“103.5. Persons wishing to purchase or to be served alcoholic beverages, to be admitted to a bar or to remain on a bar terrace after 11 p.m. may be required to prove that they are of full age.

Moreover, persons wishing that a minor be admitted with them on a bar terrace may be required to prove that they are of full age.”

94. Section 103.7 of the Act is amended by replacing “sections 103.5 and 103.6” by “section 103.5”.

95. Section 103.8 of the Act is repealed.

96. Section 103.9 of the Act is amended

(1) by replacing “Un mineur” in the introductory clause of the first paragraph in the French text by “Une personne mineure”;

(2) by replacing “in a public house or “pub”, tavern or bar” in subparagraph 2 of the first paragraph by “in a bar”;

(3) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) falsely hold himself out as being of full age in order to purchase or to be served alcoholic beverages, to be admitted to a bar, or to remain on a bar terrace after 11 p.m.”

97. Section 108 of the Act is amended

(1) by replacing “of a kind other than those for which he is authorized for those purposes by his permit” at the end of subparagraph 1.1 of the first paragraph by “that are of domestic manufacture”;

(2) by replacing “section 77.1 or 77.2” in subparagraph 1.3 of the first paragraph by “sections 77.1 to 77.4”.

98. Section 109 of the Act is amended

(1) by striking out “subject to the second paragraph of section 28 of the Act respecting liquor permits (chapter P-9.1)” in paragraph 1;

(2) by inserting “other than those authorized by his permit” after “any place” in paragraph 1;

(3) by replacing paragraph 5 by the following paragraph:

“(5) being the holder of a permit, does not keep the permit or a copy of the permit permanently posted in public view in every room and on every terrace covered by the permit;”;

(4) by replacing “in the room or on the terrace where he uses it” in paragraph 6 by “, in any room, on any terrace or in any reserved space that is covered by the permit;”;

(5) by replacing “section 62” in paragraph 8 by “section 62 or 63”.

99. Section 110.2 of the Act is repealed.

100. Section 112 of the Act is amended

(1) by striking out paragraphs 1, 2, 5 and 6;

(2) by inserting “87.0.1, 87.1,” after “87,” in paragraph 10.

101. Section 113.1 of the Act is amended by striking out “, public house or “pub” permit or tavern permit” in the first paragraph.

102. Section 114 of the Act is amended by striking out paragraph 1.

103. Section 119 of the Act is amended

(1) by replacing “Un mineur” at the beginning of the first sentence in the French text by “Une personne mineure”;

(2) by replacing “S’il est condamné” at the beginning of the second sentence in the French text by “Si elle est condamnée”.

104. Section 120 of the Act is repealed.

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

105. Section 302 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) is amended by striking out “tavern,”.

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

106. Section 3 of Schedule I to the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) is amended by striking out “, public house or tavern” wherever it appears.

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

107. Section 19 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1) is amended by inserting “, approvals” after “permits” wherever it appears in subparagraph 4 of the first paragraph.

108. Section 23 of the Act is amended by inserting “approvals,” after “licences,” in paragraph 1.

109. Section 25 of the Act is amended by inserting “approvals,” after “licences,” in subparagraph 1 of the first paragraph.

110. Section 29 of the Act is amended

- (1) by replacing “4” in subparagraph 2 of the first paragraph by “2”;
- (2) by replacing “fifth” in subparagraph 3 of the first paragraph by “sixth”.

111. Section 32.1 of the Act is amended by inserting “approval,” after “permit,” in the first paragraph.

112. Section 39 of the Act is amended by inserting “, approval” after “permit” in the second paragraph.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

113. Section 24.1 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended by replacing “or on a terrace” in subparagraph 3 of the second paragraph by “, on a terrace or in a space reserved for spectators or participants”.

114. Section 30.1.2 of the Act is amended by replacing “subparagraphs 1 and 2 of the first paragraph of section 39, paragraphs 2 and 2.1 of section 40, subparagraphs 1 and 2” by “subparagraphs 1 to 3 of the first paragraph of section 39, paragraphs 2, 2.1 and 2.2 of section 40, subparagraph 1”.

115. Section 33.2 of the Act is amended

- (1) by inserting “71, 72,” after “66 to 68,” in the first paragraph;
- (2) by replacing the last sentence of the first paragraph by the following sentence: “Such permit holder is also subject to the requirement imposed by section 59 of that Act; however, as regards the sale of alcoholic beverages for consumption elsewhere than at the place where they are produced, the permit holder is subject to section 60 of that Act.”;
- (3) by replacing “paragraphs 4 and 5” in the second paragraph by “paragraph 5”;
- (4) by striking out “, 63” in the second paragraph.

TOBACCO ACT

116. Section 2 of the Tobacco Act (chapter T-0.01) is amended by striking out “public house, tavern or” in paragraph 8.2.

117. Section 17 of the Act is amended by striking out “public house, tavern or” in subparagraph 6 of the first paragraph.

TRANSITIONAL AND FINAL PROVISIONS

118. A person who, on (*insert the date of coming into force of section 3*), is the holder of a public house or “pub” permit or a tavern permit is deemed, as of that date, to be the holder of a bar permit.

119. A person who, on (*insert the date of coming into force of section 4*), is the holder of a bar permit authorizing the sale of alcoholic beverages only by means of minibars or automatic vending machines or at the front desk of a tourist accommodation establishment is deemed, until the annual duties due date, to be the holder of a lodging facility permit.

On the latter date, the permit is converted to a lodging facility permit by the Régie des alcools, des courses et des jeux if the permit is for use in a lodging facility within the meaning of section 1 of the Act respecting liquor permits (chapter P-9.1) as amended by section 1, and if the permit holder informs the Régie of the number of minibars, the location of all automatic vending machines and the place where alcoholic beverages are stored in the establishment.

120. A person who, on (*insert the date of coming into force of section 30.2 of the Act respecting liquor permits as enacted by section 9*), is a permit holder for premises in a theatre or amphitheatre, at a racetrack, in a sports centre or in a hunting or fishing lodge is deemed, until the annual duties due date, to be the holder of an accessory permit.

On the latter date, the permit is converted to an accessory permit by the Régie des alcools, des courses et des jeux if the permit holder informs the board of the activities for which he intends to use the permit and demonstrates that they constitute the principal activities of the establishment.

121. Section 35.1 of the Act respecting liquor permits, enacted by section 14, and the obligation under the first paragraph of section 66 of the Act respecting liquor permits, as amended by section 36, to post a copy of the permit in each room and on each terrace covered by the permit apply to permit holders as of the annual duties due date that follows (*insert the date of coming into force of section 14*).

In the meantime, the permit holder remains bound by the first paragraph of that section 66, as it read before being amended by section 36, and by paragraph 5 of section 109 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1), as it read before being amended by section 98.

122. The second paragraph of section 41 of the Act respecting liquor permits, as replaced by section 18, and section 42 of the Act respecting liquor permits, as replaced by section 19, apply to a permit application filed before (*insert the date of coming into force of sections 18 and 19*) regarding which the Régie des alcools, des courses et des jeux has not yet made a decision.

123. Section 47 of the Act respecting liquor permits, as replaced by section 24, applies to a permit holder as of the annual duties due date that follows (*insert the date of coming into force of section 24*).

124. Section 53 of the Act respecting liquor permits, as amended by section 27, applies to holders of permits whose issue anniversary date is subsequent to (*insert the date of the sixtieth day after the date of coming into force of section 27*).

125. The provisions of this Act come into force on the date or dates to be set by the Government.

