



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 170

**An Act to modernize the legal regime
applicable to liquor permits and to
amend various other legislative
provisions with regard to alcoholic
beverages**

Introduction

**Introduced by
Mr. Martin Coiteux
Minister of Public Security**

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EXPLANATORY NOTES

This bill proposes several amendments to the legal framework applicable to liquor permits and to certain legislative provisions concerning alcoholic beverages.

The bill first updates the various classes of permits. It amends the description of certain permits and clarifies or broadens the activities they authorize. It also creates two new classes of permits, the accessory permit and the delivery permit, and grants the Government the power to determine other classes of permits. Furthermore, certain permits will be allowed to include a “no minors” option, or a “caterer”, “service” or “domestic manufacture” option authorizing the holder of the permit to carry out specific activities.

Several amendments are made to the conditions for issuing permits. Persons who are not Canadian citizens may obtain a permit even if they do not reside in Québec as permanent residents, provided they have a work permit issued by Canadian immigration authorities that allows them to work in Québec. The Régie des alcools, des courses et des jeux (the board) must refuse to issue a permit to an applicant if the person responsible for managing the establishment where the permit would be used has, in the five years preceding the application, committed an indictable offence or offence that would have prevented the applicant from obtaining the permit. Lastly, the board is granted the power to impose, on issuing a permit, any condition related to the use of the permit that it considers relevant to ensure public safety or public tranquility.

The bill also makes several amendments to the conditions for using the various permits, allowing, for instance, a permit to be issued for seasonal use. It extends the hours during which a grocery permit may be used by one hour to make it possible for the authorized activities to begin at 7 a.m., and allows the board to modify the hours of use for certain other permits on statutory holidays or during a cultural, social, sporting or tourist event.

The bill provides that a bar permit will now allow minors on a terrace until 11 p.m. rather than 8 p.m. provided, as is currently the case, that they are accompanied by a person having parental

authority. It allows alcoholic beverages to be served to patrons, on certain conditions, in an establishment where a restaurant permit is used, without the patrons being absolutely required to consume food there.

Under the bill, bottles of alcoholic beverages may be opened and carafes of wine and alcoholic beverage mixes prepared in advance, empty alcoholic beverage bottles not bearing the appropriate stamp may be used for decorative purposes, and alcoholic beverages may be used or made for educational or research purposes.

The bill allows the consumption of alcoholic beverages in the common areas of a lodging facility, subject to the board's approval.

In addition, the bill allows alcoholic beverage producers to use their production permit to participate in tasting shows to promote their products without being required to obtain an event permit.

Under the bill, permit holders, persons responsible for managing the establishment where a permit is used and any other member of a permit holder's personnel determined by the Government are required to take training on the responsible consumption of alcoholic beverages.

The Government may exempt places or classes of holders, persons, products, establishments or activities it determines from all or part of the application of the Act respecting liquor permits or the regulations, on the conditions it may determine.

The board is granted the power to suspend or revoke a permit issued under the Act respecting liquor permits or the Act respecting the Société des alcools du Québec, or to impose on the permit holder a monetary administrative penalty, for failure to comply with the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages. The board may reject by operation of law an objection to certain requests it receives when the objection is made solely on economic or competitive grounds. It also allows the board to take any measure aimed at encouraging permit holders to comply with the law.

Lastly, the bill contains consequential amendments in various other Acts, as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- Act respecting liquor permits (chapter P-9.1);
- Police Act (chapter P-13.1);
- 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).

Bill 170

AN ACT TO MODERNIZE THE LEGAL REGIME APPLICABLE TO LIQUOR PERMITS AND TO AMEND VARIOUS OTHER LEGISLATIVE PROVISIONS WITH REGARD TO ALCOHOLIC BEVERAGES

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 expression “lodging facility” means a tourist accommodation establishment for which a classification certificate has been issued under the Act respecting tourist accommodation establishments (chapter E-14.2) and which falls into one of the classes determined by the Government by regulation.”

2. Sections 25 to 34.2 of the Act are replaced by the following:

“§1. — *General provision*

“**25.** The permits issued under this Act are the bar permit, restaurant permit, accessory permit, event permit, grocery permit, delivery permit, and winemaking and brewing centre permit.

In addition to the permits provided for in this Act, the Government may, by regulation, determine any other permit that may be issued under this Act, specify the activities involving alcoholic beverages that such a permit authorizes and prescribe the conditions for obtaining and using it.

“§2. — *Permit authorizing consumption on the premises*

“**26.** A bar permit authorizes, as principal activity in an establishment, the sale of alcoholic beverages for consumption on the premises.

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 the container has been securely resealed.

“27. A restaurant permit authorizes, in an establishment whose principal and usual activity is to prepare and sell food on the premises, the sale of alcoholic beverages for consumption on the premises if such beverages are generally served as an accompaniment to the food.

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

The restaurant permit also authorizes the sale, for take out or delivery in a sealed container, of alcoholic beverages other than alcohol and spirits if such beverages are sold with food prepared by the permit holder.

“28. An accessory permit authorizes, as a secondary activity at the place it indicates, the sale of alcoholic beverages for consumption on the premises during tourist, social, family, sporting, cultural or other activities.

“29. A bar, restaurant or accessory permit, when used in a lodging facility, authorizes the sale of alcoholic beverages at the front desk of the facility, by means of a minibar installed in a guest room of the facility or, in accordance with the conditions of use determined by regulation, by means of a vending machine installed in the facility.

In these circumstances, such a permit also authorizes alcoholic beverages sold in accordance with the first paragraph to be consumed in a guest room of the lodging facility and, in accordance with the conditions prescribed by regulation, in the common areas of the facility approved by the board.

“30. An event permit authorizes, in the cases and on the conditions determined by regulation, the sale or service of alcoholic beverages for consumption on the premises at the place indicated on the permit.

“§3. — *Permit authorizing consumption elsewhere than on the premises*

“31. A grocery permit authorizes the sale and delivery, for consumption at a place other than the establishment, of beer and cider, as well as the wines and alcoholic beverages determined by a regulation made under paragraph 7 of section 37 of the Act respecting the Société des alcools du Québec (chapter S-13), other than alcohol and spirits.

A grocery permit also authorizes the holder to offer, in the cases and on the conditions determined by regulation, free tasting in the holder’s establishment of the alcoholic beverages the holder is authorized to sell.

A grocery permit also authorizes the holder to sell at retail specific constituents of beer or wine, including malt, malt extracts, grapes, wort or must and concentrates, as well as equipment for the domestic manufacture of wine or beer for personal use, provided the holder purchases such products from the holder of a winemaking and brewing centre permit who sells them at wholesale.

“32. A delivery permit authorizes, on the conditions determined by regulation, the transportation of alcoholic beverages

(1) for delivery to a patron who acquires them from a restaurant permit holder in the manner provided for in the third paragraph of section 27; or

(2) in the course of the provision of a public transportation service, in which case the holder is authorized to purchase the alcoholic beverages from a person authorized to sell them.

“33. A winemaking and brewing centre permit authorizes the holder to sell at retail or wholesale specific constituents of beer or wine, including malt, malt extracts, grapes, wort or must and concentrates, as well as equipment for the domestic manufacture of beer or wine for personal use.

The holder of such a permit who sells at retail specific constituents of beer or wine as well as equipment for the domestic manufacture of beer or wine is required to purchase those products from the holder of a winemaking and brewing centre permit who sells them at wholesale.

“DIVISION I.1

“OPTIONS

“34. The board may, on an application, attach any of the following options, as applicable, to certain permits issued under this Act:

- (1) “no minors”;
- (2) “caterer”;
- (3) “service”; or
- (4) “domestic manufacture”.

A permit with a “no minors” option prohibits, at all times, the presence of minors at the place where the permit is used.

A permit with a “caterer” option authorizes the sale of alcoholic beverages, served with food prepared by the permit holder, at the place where the holder serves the food.

A permit with a “service” option authorizes the holder to serve to his patrons, or allow them to consume on the premises at the place where the permit is used, alcoholic beverages the patrons have brought with them and which they may subsequently take away with them, provided those beverages are not alcohol, spirits or home-made beverages. However, a permit with such an option may not be used at a place for which a permit authorizing the sale of alcoholic beverages, other than an event permit, is already being used.

A permit with a “domestic manufacture” option authorizes the holder to place at the disposal of his patrons the space and equipment required to manufacture beer or wine for personal use.

The Government may, by regulation, determine other options that the board may, on an application, attach to a permit, and may specify the activities authorized by the options and the conditions for obtaining and using them.”

3. Section 36 of the Act is replaced by the following section:

“36. To obtain a permit, a person must be of full age; if he is not a Canadian citizen, he must reside in Québec as a permanent resident or hold a work permit issued by Canadian immigration authorities that authorizes him to work in Québec, unless he is applying for an event permit as the authorized representative of a government, country, province or state.”

4. Section 39 of the Act is amended by striking out “or, in the case of a “Man and his World” permit or an “Olympic Grounds” permit, have obtained a concession from, respectively, the City of Montréal or the Régie des installations olympiques” in subparagraph 1 of the first paragraph.

5. Section 40 of the Act is amended

(1) by replacing paragraphs 1 and 1.1 by the following paragraph:

“(1) show that he fulfils the conditions provided in this division and any other condition fixed by regulation,”;

(2) by replacing “and terrace” in paragraph 2 by “, terrace or other place”;

(3) by inserting “if the application is for a permit authorizing the sale or service of alcoholic beverages for consumption on the premises,” after “used,” in paragraph 2.1.

6. Section 41 of the Act is amended, in the second paragraph,

(1) by inserting “or, in the case of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, the person responsible for the management of the establishment concerned” after “if the applicant”;

(2) by replacing “la réhabilitation” in the French text by “le pardon”.

7. Section 42 of the Act is amended

(1) by inserting “or, in the case of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, the person responsible for the management of the establishment concerned” at the end of the introductory clause;

(2) by replacing “the applicant” in the last paragraph by “the applicant or the person responsible for the management of the establishment”;

(3) by striking out “ou la réhabilitation” in the last paragraph in the French text.

8. Section 42.2 of the Act is replaced by the following section:

“42.2. The board may, on issuing a permit, impose any condition it considers appropriate concerning the use of the permit, including a restriction or prohibition, provided such a condition is aimed at ensuring public security or public tranquility.”

9. Section 43 of the Act is repealed.

10. Section 46 of the Act is replaced by the following section:

“46. The board may issue an event permit despite the prohibitions or restrictions of any municipal by-law or the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

The issue of such a permit does not waive the requirement to obtain any authorizations required under the Act respecting the preservation of agricultural land and agricultural activities.”

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

“47. A permit issued by the board indicates

(1) the permit holder’s name and the address of the establishment;

(2) the class of the permit and any options attached to it;

(3) the rooms or terraces of the establishment or any other place where the permit may be used;

(4) the seasonal or annual period during which the permit may be used and, in the case of a seasonal period, the start and end dates of that period;

(5) the number of persons who may be present simultaneously in each room or on each terrace of the establishment where the permit may be used;

(6) the payment date for the annual duties;

(7) if applicable, whether the presentation of a show, the projection of a film or dancing is authorized and, if applicable, the type of show authorized;

(8) if applicable, the common areas of a lodging facility that have been approved by the board; and

(9) any other information the board considers necessary.”

12. Section 50 of the Act is amended

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

“Subparagraphs 1 to 3 of the first paragraph of section 39, the second and third paragraphs of that section, paragraph 2.1 of section 40, subparagraphs 1 to 1.2 of the first paragraph of section 41, sections 42 and 45 and paragraphs 4 to 6 of section 47 do not apply in the case of an event permit.”;

(2) by replacing “do not apply to an application for a grocery permit or a cider seller’s permit” in the second paragraph by “and paragraph 5 of section 47 do not apply in the case of a grocery permit”;

(3) by striking out the third paragraph;

(4) by replacing the fourth paragraph by the following paragraph:

“Subparagraph 3 of the first paragraph of section 39 and paragraph 5 of section 47 do not apply in the case of a delivery permit. Nor do they apply in the case of a winemaking and brewing centre permit, unless it has a “domestic manufacture” option, in which case subparagraph 3 of the first paragraph of section 39 applies.”;

(5) by replacing “or authorization” in the last paragraph by “, application to have an option attached to the permit, or application for an additional approval, authorization or place”.

13. Section 51 of the Act is amended

(1) in the second paragraph,

(a) by replacing “a reunion permit, a “Man and his World” permit or an “Olympic Grounds” permit” in the second paragraph by “an event permit”;

(b) by adding the following sentence at the end: “In addition, the issue of an event permit for a place covered by another permit in force has the effect of preventing the holder of that other permit from selling alcoholic beverages in that place during the entire period indicated on the event permit.”;

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

“The first paragraph does not have the effect of allowing a holder to use his permit when it has been suspended.”

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

“**51.1.** The period during which a permit may be used is either seasonal or annual.

A permit that may be used during a seasonal period may not be used outside the continuous period it indicates even though the permit remains in force.

More than one permit for a seasonal period may be used in the same place by different holders, provided the activities authorized by the permits are not carried on simultaneously.”

15. Section 53 of the Act is amended

(1) by replacing “administrative monetary penalty” in the first and second paragraphs by “monetary administrative penalty”;

(2) by striking out “not less than 30 days” in the second paragraph.

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

“58.1. A permit for a seasonal period authorizes the holder to use the permit during the continuous period it indicates, which may not exceed 183 days.”

17. Section 59 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “If the alcoholic beverages are sold by means of a minibar in a guest room of a lodging facility, they may be sold at any time.”;

(2) by replacing “sales permit” in the second paragraph by “permit or the transportation of alcoholic beverages authorized by the delivery permit”;

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

“In addition, the board shall fix the hours, between 8 a.m. and 3 a.m. the following morning, during which each event permit may be used.”

18. Section 60 of the Act is amended

(1) by striking out “and a cider seller’s permit”;

(2) by replacing “eight o’clock in the morning and eleven o’clock in the evening” by “7 a.m. and 11 p.m”.

19. Section 60.1 of the Act is amended by replacing “A raw material and equipment wholesaler’s or retailer’s” by “A winemaking and brewing centre”.

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

“61. Subject to section 61.1, the board may, on an application and if the board does not consider it to be contrary to the public interest or public security or likely to disturb public tranquility, change the hours during which a permit authorizing alcoholic beverages to be sold or served 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 concern one or more permit holders or one or more classes of permits and may apply to all or part of the territory of Québec.

The board shall notify the clerk or secretary-treasurer of the local municipality concerned as well as the director of the Sûreté du Québec or of the police force established for that territory and authorized under section 111.”

21. Sections 62 and 63 of the Act are replaced by the following sections:

“62. The holder of a bar permit shall not admit a person to the rooms or terraces indicated on the permit outside the hours during which the permit may be used, nor tolerate a person’s remaining 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., the permit holder may admit a person to the rooms or terraces indicated on the permit if no alcoholic beverage is consumed there and no video lottery machine can be played there.

“63. The holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises, other than a bar permit, may admit a person to the rooms or terraces indicated on 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.”

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

“65. Despite section 59, in the passenger terminals of the Montréal Pierre-Elliott-Trudeau International Airport, the Québec City Jean-Lesage International Airport and any other passenger terminal determined by regulation, permits authorizing alcoholic beverages to be sold or served for consumption on the premises may be used at any time.”

23. Section 66 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “However, a permit holder who uses the permit elsewhere than in the establishment where it is posted must make copies of it and keep one in his possession.”;

(2) by replacing “restaurant sales permit” in the second paragraph by “restaurant permit”.

24. Section 68 of the Act is amended by adding the following paragraph at the end:

“During such a reception, the permit holder may allow the presentation of a show, the projection of a film or dancing without having to obtain the authorization provided for in section 73.”

25. Section 69.1 of the Act is amended by replacing “or on any terrace” by “, on any terrace or in any other place”.

26. Section 70.1 of the Act is amended

(1) by replacing “The holder of a raw material and equipment wholesaler’s or retailer’s permit and the holder of a grocery permit who carries on activities authorized by a raw material and equipment retailer’s permit” in the introductory clause of the first paragraph by “The holder of a winemaking and brewing centre permit and the holder of a grocery permit who sells specific constituents of beer or wine at retail”;

(2) by replacing “raw material and equipment wholesaler” in subparagraph 2 of the first paragraph by “holder of a winemaking and brewing centre permit who sells at wholesale”.

27. Section 71 of the Act is amended by replacing “social insurance number” by “date of birth”.

28. Section 72.1 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “The same rule applies to the holder of a permit with a “caterer” option, at the place where he serves the food he has prepared.”;

(2) by replacing “service permit” in subparagraph 1 of the second paragraph by “permit with a “service” option”;

(3) by striking out “at a meal” in subparagraph 1 of the second paragraph;

(4) by replacing “a reunion permit” in the introductory clause of subparagraph 2 of the second paragraph by “an event permit”;

(5) by striking out “or cider seller’s permit” in subparagraph *a* of subparagraph 2 of the second paragraph.

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

“73. The holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises, other than an event permit or accessory permit, shall not allow, in a room or on a terrace where he uses the permit, the presentation of a show, the projection of a film or dancing, unless authorized to do so by the board. However, the board’s authorization is not required to use a radio, television or sound reproduction device in a room or on a terrace.”

30. Section 74 of the Act is amended by striking out “by means of a facsimile of the signature of its secretary” in the second paragraph.

31. Section 76 of the Act is repealed.

32. Sections 77.1 and 77.2 of the Act are repealed.

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

“77.3. A permit holder, the person responsible for the management of the establishment where the permit is used, and the other members of the holder’s personnel determined by government regulation must take training recognized by the board on the responsible consumption of alcoholic beverages.

The Government may, by regulation, determine the criteria the board must take into account in recognizing training offered in or outside Québec on the responsible consumption of alcoholic beverages, as well as the procedure for obtaining such recognition.

The Government may also, by regulation, determine any terms for implementing the training requirement, including with regard to the content of the training, which may vary according to the persons taking the training and the class of permit, and prescribe exemptions or transitional conditions for permit holders, persons responsible for the management of establishments, and permit holders’ other personnel members.”

34. The heading of Division V of Chapter III of the Act is amended by inserting “, PERIOD” after “PLACE”.

35. The heading of subdivision 2 of Division V of Chapter III of the Act is amended by inserting “*or period*” after “*place*”.

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

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

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

(2) before the 183rd day following the anniversary date of the issue of a permit for an annual period, to change the period to a seasonal period.”

37. Section 84 of the Act is amended by replacing “authorize the temporary change of any of the places covered by a permit” in the first paragraph by “temporarily authorize a change of one or all of the places where a permit is used”.

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

“84.0.1. When major changes are being made to the floor arrangement of a place where a permit is used, the board may, on payment of the duties determined by regulation, temporarily authorize a change of one or all of the places where the permit is used.

A permit holder who applies for an authorization for such a change must comply with the applicable conditions provided in sections 39 and 40.

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

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

“84.1. Any change made to the floor arrangement of a place where a permit authorizing consumption on the premises is used must be authorized by the board.

A permit holder who applies for authorization to make such a change must comply with the applicable conditions provided in sections 39 and 40.

The board shall specify the floor plan considered to grant the authorization.”

40. Section 85 of the Act is amended by replacing “or an authorization” by “, an authorization or approval, or an option attached to a permit”.

41. Section 85.1 of the Act is amended

(1) by replacing “an administrative monetary penalty” in the introductory clause by “a monetary administrative penalty”;

(2) by replacing “paragraph 15.2” in paragraph 5 by “paragraph 12 or 15.2”.

42. Section 86 of the Act is amended

(1) in the first paragraph,

(a) by replacing subparagraphs 6 and 7 by the following subparagraph:

“(6) the permit holder or the establishment where the permit is used no longer fulfils one of the conditions for the issue of the permit prescribed by regulation or imposed by the board in accordance with section 42.2.”;

(b) by inserting the following subparagraph after subparagraph 8:

“(8.1) the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114, other than one for which a monetary administrative penalty is prescribed by that regulation or by the regulation made under paragraph 15.2 of that section.”;

(c) by inserting “or the person responsible for the management of the establishment where the permit is used,” after “mentioned in that section” in subparagraph 9;

(d) by replacing “, section 135 of the Youth Protection Act (chapter P-34.1) or section 33 of the Juvenile Delinquents Act (Revised Statutes of Canada, 1970, c. J-3)” in subparagraph 9 by “or section 135 of the Youth Protection Act (chapter P-34.1)”;

(2) by inserting “or the person responsible for the management of the establishment where the permit is used,” after “mentioned in section 38” in subparagraph 3 of the fourth paragraph;

(3) by replacing all occurrences of “administrative monetary penalty” by “monetary administrative penalty”, with the necessary grammatical modifications.

43. Section 86.0.1 of the Act is amended

(1) in the first paragraph,

(a) by inserting “or approval” after “an authorization” and by replacing “the authorization” by “it”;

(b) by replacing “the conditions for obtaining it are no longer being complied with” by “the permit holder no longer complies with the conditions attached to it”;

(2) by inserting the following paragraph after the first paragraph:

“In addition, the board may revoke an option attached to a permit or suspend the option for the period it determines if the permit holder no longer fulfils the conditions for obtaining or using the option.”;

(3) in the second paragraph,

(a) by inserting “, approval or option” after “authorization”;

(b) by replacing “an administrative monetary penalty” by “a monetary administrative penalty”.

44. Section 87 of the Act is amended

(1) by striking out “the second paragraph of section 76, section” in the first paragraph;

(2) by replacing “, 6 or 7” in the second paragraph by “or 6”;

(3) by replacing all occurrences of “an administrative monetary penalty” by “a monetary administrative penalty”.

45. Section 87.1 of the Act is amended

(1) by replacing “or terrace” in the introductory clause of the first paragraph by “, terrace or other place”;

(2) in the second paragraph,

(a) by replacing “second” by “first”;

(b) by replacing “or terrace” by “, terrace or place”;

(3) by inserting “or of the options attached to the permit” at the end of the third paragraph.

46. Section 89 of the Act is amended by striking out “subparagraph 9 of the first paragraph of”.

47. Section 89.2 of the Act is repealed.

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

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

49. Section 96 of the Act is amended by inserting “an application to attach a “no minors” option to a permit,” after “application for a permit,” in the introductory clause of the first paragraph.

50. Section 97 of the Act is amended

(1) by replacing paragraphs 1 to 1.2 by the following paragraphs:

“(1) an application for an event permit, grocery permit, delivery permit, or winemaking and brewing centre permit;

“(1.1) an application for a restaurant permit with a “caterer” option, if the applicant intends to exercise that option exclusively;”;

(2) by replacing “or authorization” in paragraphs 3 and 4 by “, application to have an option attached to the permit, or application for an additional authorization or place”.

51. Section 99 of the Act is amended by inserting “on grounds other than economic or competitive grounds” after “object” in the first paragraph.

52. Section 102 of the Act is amended

(1) by inserting the following paragraph after paragraph 1:

“(1.1) reject an objection made under section 99 solely on economic or competitive grounds;”;

(2) by inserting “, or of an option attached to a permit” at the end of paragraph 2;

(3) by replacing “a permit,” in paragraph 4 by “a permit or an option attached to it, or an authorization or approval”.

53. The Act is amended by inserting the following section before section 114:

113.1. The Government may, by regulation and on the conditions it may determine, exempt places or classes of permit holders, persons, products, establishments or activities it determines from the application of all or part of this Act and the regulations.”

54. Section 114 of the Act is amended

(1) by replacing “The board may, in plenary session,” in the introductory clause by “The Government may”;

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

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

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

“(2) prescribing any other permit that may be issued under this Act, specifying the activities involving alcoholic beverages that such a permit authorizes and prescribing the conditions for obtaining and using the permit;

“(2.1) determining the options that may be attached to a permit and specifying the activities such options authorize and the conditions for obtaining or using the options;

“(2.2) determining the conditions for the issue and use of a permit under this Act, and the cases in which and conditions on which an event permit may be issued;

“(2.3) determining the conditions on which the holder of a delivery permit issued under this Act may transport alcoholic beverages;

“(2.4) determining the conditions that must be fulfilled to obtain approval for consumption of alcoholic beverages in the common areas in a lodging facility and the conditions for using a vending machine installed inside such a facility;

“(2.5) determining, for the purposes of section 65, the passenger terminals in which permits authorizing the sale or service of alcoholic beverages for consumption on the premises may be used at any time;”;

(4) by striking out paragraph 3;

(5) by striking out paragraph 6.1;

(6) by replacing “qu’elle” in paragraph 7 in the French text by “que la Régie”;

(7) by replacing “sections 63 and 87.1 and in the second paragraph of section 76” in paragraph 10 by “section 87.1”;

(8) by striking out paragraph 10.1;

(9) by replacing “qu’elle” in paragraph 11 in the French text by “que la Régie”;

(10) by inserting “, determining the failures to comply with that regulation that may give rise to a monetary administrative penalty and establishing the amount for each failure” at the end of paragraph 12;

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

“(13.2) determining the criteria the board must take into account in recognizing training offered in or outside Québec on the responsible consumption of alcoholic beverages, as well as the procedure for obtaining such recognition;

“(13.3) determining the members of a permit holder’s personnel who must take the training recognized by the board;

“(13.4) determining any terms for implementing the requirement to take the training recognized by the board, including with regard to the content of the training, which may vary according to the persons taking the training and the class of permit, and prescribe exemptions or transitional conditions for permit holders, persons responsible for the management of establishments, and permit holders’ other personnel members;”;

(12) by striking out paragraph 14;

(13) by replacing “administrative monetary penalty” in paragraphs 15.1 and 15.2 by “monetary administrative penalty”, with the necessary grammatical modifications.

55. Section 116 of the Act is repealed.

56. The Act is amended by replacing all occurrences of “administrative monetary penalty” in sections 55, 79 and 85.2 by “monetary administrative penalty”, with the necessary grammatical modifications.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

57. Section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended

(1) by striking out paragraph 2;

(2) by inserting “or place” after “any premises” in paragraph 13;

(3) by striking out paragraph 17;

(4) by replacing “or served” in paragraph 18 by “, served or transported”;

(5) by striking out paragraphs 20 and 26;

(6) by replacing “section 91” in subparagraph g of paragraph 32 by “a provision of section 91 or 91.0.1”.

58. Section 83 of the Act is amended by striking out “or cider seller’s permit” in paragraphs 3 and 4.

59. 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 his establishment any alcoholic beverage container to which the Corporation’s stamp is not affixed, any container of 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 beer container that is not identified in accordance with the Regulation respecting the prescribed manner of identifying a beer container (chapter T-0.1, r. 1) provided the container is empty and displayed in public view solely for decorative purposes.”

60. Section 84.1 of the Act is amended

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

(2) by striking out the third paragraph.

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

“84.2. Despite any provision to the contrary, the holder of a permit authorizing alcoholic beverages to be sold for consumption on the premises may prepare carafes of wine or mix alcoholic beverages in advance, as of the beginning of the hours during which the permit may be used, provided that at the end of those hours, he has destroyed or eliminated any wine remaining in the carafes and any remaining mix.”

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

“85. In any establishment where a permit is used, it is forbidden to sell or serve alcoholic beverages elsewhere than in the places indicated on the permit or authorized by law.”

63. Section 91 of the Act is amended

(1) by inserting “or transportation” after “the sale” in paragraph *b*;

(2) by striking out “sales permit” in paragraph *j*.

64. The Act is amended by inserting the following section after section 91:

“91.0.1. Beer or wine made in the establishment of a winemaking and brewing centre permit holder by a person for personal use may be kept and possessed by the holder for the purposes authorized by his permit.”

65. Section 91.1 of the Act is amended

(1) by striking out “a small-scale production permit or a brewer’s permit issued under”;

(2) by replacing “restaurant service permit” by “permit with a “service” option”.

66. Section 92 of the Act is amended

(1) by replacing “cider seller’s permit holder” in paragraph *d* by “permit holder authorized to sell it”;

(2) by striking out “sales permit” in paragraph *g*;

(3) by replacing “sales” in paragraph *h* by “or delivery”;

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

“(i) by any user referred to in section 100.”

67. Section 93 of the Act is amended

(1) in the first paragraph,

(a) by striking out “sales” in subparagraph *f*;

(b) by replacing “sales” in subparagraph *g* by “or delivery”;

(2) by replacing “cider seller” in the second paragraph by “person authorized to sell it”.

68. The Act is amended by inserting the following section after section 93:

“**93.1.** A person who has made beer or wine for personal use in the establishment of a winemaking and brewing centre permit holder is authorized to transport it.”

69. 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.

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

“**96.** No provision of this Act shall prohibit members of a professional order from purchasing and using alcoholic beverages

(a) for solution or sterilization purposes;

(b) in any preparation for external application that they administer themselves; or

(c) in compounding medicines.”

71. The Act is amended by inserting the following section after section 96:

“**96.1.** No provision of this Act shall prohibit the purchase, possession, making or serving of alcoholic beverages, or allowing their consumption, for research or educational purposes.”

72. Section 97 of the Act is repealed.

73. Section 98 of the Act is amended by replacing “97” by “96.1”.

74. Section 99 of the Act is repealed.

75. Section 100 of the Act is replaced by the following section:

“**100.** No provision of this Act shall prevent the sale and delivery of alcohol by a person authorized by the Corporation or by a distiller who holds a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) directly to a user who uses the alcohol for purposes other than making an alcoholic beverage that can be used as a beverage for a person, provided that each quantity of alcohol so sold and delivered is not less than 4 litres.

The distiller and the person authorized by the Corporation must keep an annual register of sales made to users that specifies their name and address and the quantity and type of product sold, and send it to the board or Corporation at its request.

Such a register must be kept for five years from the date of the last sale.”

76. Section 101 of the Act is repealed.

77. Section 102 of the Act is amended

(1) in the first paragraph,

(a) by inserting “in particular” after “sale” in the introductory clause;

(b) by striking out “solid” in subparagraph *a*;

(c) by striking out “, provided that such product does not contain alcohol in excess of the quantity required as a solvent or preservative, or provided that it is so compounded as to render it unsuitable for use as a beverage” in subparagraph *b*;

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

“However, if, after analysis, the board is of the opinion that a product listed in the first paragraph contains alcoholic beverages and can be used as a beverage for a person, it may notify the user, the vendor, the distiller, the person authorized by the Corporation or any person concerned.”;

(3) in the third paragraph,

(a) by replacing “date” by “notification”;

(b) by inserting “to be” after “deemed”.

78. Section 103 of the Act is repealed.

79. 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 the Act respecting the Société des alcools du Québec (chapter S-13) shall not sell or serve alcoholic beverages to a minor nor allow a minor to consume them in the establishment where the permit is used. Nor shall he sell or serve them to a person of full age if he knows that the person is buying or being served them for a minor.”

80. Section 103.2 of the Act is amended by replacing “twenty hours” in subparagraph 1 of the second paragraph by “11 p.m.”.

81. Section 103.3 of the Act is replaced by the following section:

“103.3. Section 103.2 does not apply when the permit is used on the production premises of the holder of a small-scale production permit, a small-scale beer producer’s permit or a brewer’s permit.”

82. Section 103.5 of the Act is amended by replacing “twenty hours” by “11 p.m.”.

83. Section 103.9 of the Act is amended by replacing “twenty hours” in subparagraph 3 of the first paragraph by “11 p.m.”.

84. Section 107.1 of the Act is replaced by the following section:

“107.1. Whosoever

(1) sells at retail or wholesale specific constituents of beer or wine and equipment for the domestic manufacture of beer or wine without being the holder of a winemaking and brewing centre permit issued under the Act respecting liquor permits (chapter P-9.1) or makes the space and equipment required to make such alcoholic beverages available to his customers without his permit having a “domestic manufacture” option;

(2) being the holder of a winemaking and brewing centre permit or grocery permit authorized to sell at retail specific constituents of beer or wine and equipment for the domestic manufacture of these alcoholic beverages, buys such products from a permit holder who is not authorized to sell them at wholesale

is guilty of an offence and liable, for a first offence, to a fine of \$500 to \$1,000 and, for a second or subsequent offence, to a fine of \$1,000 to \$2,000.”

85. Section 108 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 1.1 by the following subparagraph:

“(1.1) with a “service” option, serves or allows his customers to consume alcohols, spirits or home-made alcoholic beverages;”;

(2) by replacing “service permit” in subparagraph 1.2 by “permit with a “service” option”;

(3) by striking out subparagraph 1.3;

(4) by inserting “or transport” after “to sell” in subparagraph 5.

86. 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 striking out “his small-scale production permit or brewer’s permit issued under” in paragraph 3;

(3) by inserting the following paragraph after paragraph 5:

“(5.1) is the holder of a permit and does not have a copy of it in his possession when he uses it elsewhere than in the establishment where it is posted;”;

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

87. Section 111 of the Act is amended by replacing “section 95.1” in paragraph *a* by “section 91.0.1 or 95.1”.

88. Section 112 of the Act is amended

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

“(1) having acquired for resale a product containing alcoholic beverages that can be used as a beverage for a person, sells it as being one of the products listed in the first paragraph of section 102 after the notice provided for in that section was notified to him;”;

(2) by striking out paragraph 2;

(3) by striking out “of a small-scale production permit or a brewer’s permit issued under” in paragraph 3;

(4) by inserting “or transport” after “sell” in paragraph 3;

(5) by inserting “or transports” after “buys” in paragraph 7.

89. Section 114 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) sells a product containing alcoholic beverages that can be used as a beverage for a person as being one of the products listed in section 102 after the notice provided for in that section is notified to him;”.

90. Section 116 of the Act is amended by striking out “a small-scale production permit or a brewer’s permit issued under”.

91. Section 132.1 of the Act is amended

(1) by replacing “or served” by “, served or transported”;

(2) by striking out “small-scale production permit or a brewer’s”.

POLICE ACT

92. Section 117 of the Police Act (chapter P-13.1) is amended by replacing “sales permit or a restaurant service permit described in section 28 or 28.1” in the second paragraph by “permit described in section 27”.

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

93. Section 19 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) a register of applications presented under the Act respecting liquor permits (chapter P-9.1), permits issued under that Act, indicating the options attached to them, and the authorizations and approvals granted under that Act.”

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

95. The Act is amended by inserting the following section after section 23:

“23.1. The board may, to ensure the protection of the public and achieve its mission, take any other measures to encourage permit holders to comply with the laws under its administration and assume their responsibilities concerning, in particular, the responsible consumption of alcoholic beverages.”

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

97. Section 29 of the Act is amended

(1) in subparagraph 2 of the first paragraph,

(a) by replacing “reunion permits” by “event permits”;

(b) by replacing “or cider seller’s permits, for raw materials and equipment wholesaler’s or retailer’s permits” by “winemaking and brewing centre permits”;

(2) by replacing “fifth” in subparagraph 3 of the first paragraph by “fourth”;

(3) by inserting “or section 34.2 of the Act respecting the Société des alcools du Québec” after “Act respecting liquor permits” in the second and third paragraphs;

(4) by replacing all occurrences of “an administrative monetary penalty” by “a monetary administrative penalty”.

98. Section 32.1 of the Act is amended by inserting “option, approval,” after “licence,” in the first paragraph.

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

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

100. Section 1 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended by striking out subparagraph 2 of the first paragraph.

101. Section 17 of the Act is amended by striking out “or cider seller’s” in subparagraph *h* of the first paragraph.

102. Section 26 of the Act is amended by inserting the following paragraph after the second paragraph:

“The holder of such a permit may also sell the alcohol he makes to a user if the following conditions are met:

(1) the alcohol is intended for making products other than alcoholic beverages that can be used as a beverage for a person;

(2) the products are not the subject of a notice by the board under section 102 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);

(3) he enters the sale in his register.”

103. The Act is amended by inserting the following section after section 28:

“28.1. The holder of a permit issued under this Act may, with the board’s authorization and in the cases and on the conditions prescribed by regulation, participate in a tasting show or an exhibition held, in whole or in part, to present or discover alcoholic beverages.

During such an event, the holder is authorized, according to the modalities prescribed by regulation, to sell for consumption on the premises, at the tasting show or exhibition, the alcoholic beverages he makes.”

104. Section 33 of the Act is amended by adding the following paragraph at the end:

“In addition, in accordance with section 100 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1), the holder of a distiller permit shall keep up to date the annual register provided for in that section.”

105. The Act is amended by inserting the following sections after section 34.1:

“34.2. The board may impose a monetary administrative penalty in an amount prescribed by regulation if the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114 of the Act respecting liquor permits (chapter P-9.1).

“34.3. If a monetary administrative penalty is imposed on a holder for a failure to comply under section 34.2, the board notifies a notice of claim to the holder.

Such a notice must state

(1) the amount claimed and the reasons for it;

(2) the terms of payment of the amount claimed;

(3) the way the notice of claim may be contested; and

(4) that the holder will be convened to a hearing before the board if the holder fails to pay the amount owed and that this failure could result in the cancellation of his permit.”

106. Section 35 of the Act is amended by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(7) the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114 of the Act respecting liquor permits (chapter P-9.1) other than one for which a monetary administrative penalty is prescribed by that regulation;”.

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

“35.0.1. The board may, instead of cancelling or suspending a permit for a failure to comply referred to in subparagraph 7 of the first paragraph of section 35, impose on the permit holder a monetary administrative penalty in an amount not exceeding \$100,000.

“35.0.2. The board must revoke or suspend a permit if the holder fails to pay the monetary administrative penalty after it is imposed on the holder in accordance with section 34.2 and for which the time limit for contesting has expired.”

108. Section 36 of the Act is amended by inserting “who was imposed a monetary administrative penalty or” after “person”.

109. Section 37 of the Act is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(8.1) determine the cases in which and conditions on which the holder of a permit issued under this Act may participate in a tasting show or an exhibition held, in whole or in part, to present or discover alcoholic beverages, and the modalities of sale of the alcoholic beverages he makes during such an event;”.

OTHER AMENDING PROVISIONS

110. In any regulation made under the Act respecting liquor permits (chapter P-9.1), “administrative monetary penalty” is replaced by “monetary administrative penalty”, with the necessary grammatical adjustments.

111. In any Act and any statutory instrument under such an Act, “reunion permit” is replaced by “event permit”, with the necessary grammatical adjustments.

TRANSITIONAL AND FINAL PROVISIONS

112. A person who, on the date of coming into force of section 2, is the holder of a restaurant service permit is deemed to be the holder of a restaurant permit with a “service” option.

113. A person who, on the date of coming into force of section 2, is the holder of a restaurant sales permit is deemed to be the holder of a restaurant permit.

114. A person who, on the date of coming into force of section 2, is the holder of a bar permit allowing the sale of alcoholic beverages solely by means of minibars or vending machines or at the reception desk of a tourist accommodation establishment is deemed to be the holder of an accessory permit.

115. A person who, on the date of coming into force of section 2, is the holder of a permit indicating that it may be used in a theatre or amphitheatre, at a race track or in a sports centre or hunting or fishing lodge is deemed to be the holder of an accessory permit.

116. A person who, on the date of coming into force of section 2, is the holder of a permit used in a means of public transportation is deemed to be the holder of a delivery permit.

117. A person who, on the date of coming into force of section 2, is the holder of a club permit, “Man and his World” permit or “Olympic Grounds” permit is deemed to be the holder of an accessory permit.

118. A person who, on the date of coming into force of section 2, is the holder of a raw material and equipment wholesaler’s permit or raw material and equipment retailer’s permit is deemed to be the holder of a winemaking and brewing centre permit.

119. In the year following the date of coming into force of section 2, the Régie des alcools, des courses et des jeux must replace the permits in force, other than event permits, according to the classes of permits provided for in the Act respecting liquor permits (chapter P-9.1), including the options that may be attached to the permits, as amended by section 2, and according to what the permits authorize and the requirements for using them.

120. A cider seller's permit in force on the date of coming into force of section 2 may continue to be used by the holder in accordance with the provisions of the Act respecting liquor permits, the Act respecting offences relating to alcoholic beverages (chapter I-8.1), the Act respecting the Société des alcools du Québec (chapter S-13) or the regulations made under them, as those provisions read before the coming into force of section 2, until the earlier of

- (1) the date on which the permit was revoked; and
- (2) the date that is 10 years after the date of coming into force of section 2.

121. Any regulation in force on the date of coming into force of section 54 and made by the Régie des alcools, des courses et des jeux in plenary session under section 114 of the Act respecting liquor permits, as it read before being amended by section 54 of this Act, is deemed to have been adopted by the Government and applies as long as it is not replaced or revoked.

122. Permit applications being processed on the date of coming into force of section 2 are continued and decided in accordance with the provisions of the Act respecting liquor permits as amended by section 2, except for applications for a cider seller's permit, which are continued and decided in accordance with those provisions as they read before the coming into force of section 2.

123. A failure by a permit holder to comply with a provision of the Act respecting liquor permits, the Act respecting offences relating to alcoholic beverages, the Act respecting the Société des alcools du Québec or a regulation made under them before the coming into force of a provision of this Act that amends, replaces or repeals that provision is governed by that provision as it read before being amended, replaced or repealed by this Act.

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

