



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 100
(2002, chapter 58)

**An Act to amend the Act respecting
offences relating to alcoholic beverages,
the Act respecting lotteries, publicity
contests and amusement machines and
the Act respecting liquor permits**

Introduced 7 May 2002
Passage in principle 7 June 2002
Passage 17 December 2002
Assented to 18 December 2002

EXPLANATORY NOTES

The bill amends certain rules most of which govern the sale of alcoholic beverages.

Under the bill, business hours are made uniform for all permits authorizing alcoholic beverages to be sold or served, and bar, public house or tavern permit holders are authorized, on certain conditions, to admit customers between 6:00 a.m. and 8:00 a.m.

In addition, the holder of a restaurant sales permit will be authorized to sell, for take out or delivery, alcoholic beverages with a meal, between the hours of eight in the morning and eleven in the evening. In addition, customers of a restaurant holding a restaurant service permit will be authorized to bring not only wine to the establishment but any other alcoholic beverage except alcohol and spirits. Furthermore, holders of a public house or tavern permit may henceforth allow a reception in their establishment to be held in a room or on a terrace other than where their permit is normally used.

As well, the bill alters, lifts or introduces prohibitions concerning advance preparation of carafes of wine, the mixing of alcoholic beverages, the keeping of alcoholic beverages in a tubing system and the keeping of alcoholic beverages containing an insect.

In another connection, the bill prohibits anyone from having in his or her possession, owning or using an amusement machine that is not registered with the Régie des alcools, des courses et des jeux.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6);
- Act respecting liquor permits (R.S.Q., chapter P-9.1);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1).

Bill 100

AN ACT TO AMEND THE ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES, THE ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES AND THE ACT RESPECTING LIQUOR PERMITS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

1. Section 84.1 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended

(1) by adding “or in a tubing system that meets the standards prescribed by regulation of the board” at the end of the first paragraph ;

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

“However, the holder of a restaurant sales permit may, between 11 a.m. and 2 p.m. and between 5 p.m. and 8 p.m., prepare carafes of wine in advance, provided that outside those hours, the wine remaining in the carafes is destroyed or eliminated.”

2. Section 91 of the said Act is amended by adding the following paragraph at the end :

“(j) by a person if it has been acquired legally from the holder of a restaurant sales permit.”

3. Section 92 of the said Act is amended by adding the following paragraphs at the end :

“(g) by any person who acquired it legally from a holder of a restaurant sales permit ;

“(h) by any holder of a restaurant sales permit, for purposes authorized by his permit.”

4. Section 93 of the said Act is amended by adding the following paragraphs at the end of the first paragraph :

“(f) by a person who acquired it legally from a holder of a restaurant sales permit;

“(g) by a holder of a restaurant sales permit, for purposes authorized by his permit.”

5. Section 108 of the said Act, amended by section 3 of chapter 77 of the statutes of 2001, is again amended by inserting the following subparagraph after subparagraph 2 of the first paragraph :

“(2.1) keeps or allows to be kept in his establishment an alcoholic beverage containing an insect, unless that insect is an ingredient in the making of the alcoholic beverage;”.

6. Section 109 of the said Act is amended by inserting “, subject to the second paragraph of section 28 of the Act respecting liquor permits,” after “but” in the third line of paragraph 1.

7. Section 110 of the said Act is amended by striking out paragraph 4.

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

8. Section 53 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by replacing “he has a registration marker placed on it by” in the second and third lines by “the device is registered with”.

ACT RESPECTING LIQUOR PERMITS

9. Section 28 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by adding the following paragraph at the end :

“In the case of an establishment that primarily and ordinarily sells meals for consumption on the premises, the restaurant sales permit also entitles the holder to sell, for take out or delivery, alcoholic beverages with a meal, except draught beer, alcohol or spirits.”

10. Section 28.1 of the said Act is amended by replacing “beer, alcohol, spirits or mixed alcoholic beverages commonly called “cooler”” by “alcohol or spirits”.

11. Sections 56 to 58 of the said Act are repealed.

12. Section 59 of the said Act is amended

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

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

“However, the sale of alcoholic beverages, for take out or delivery, authorized by the restaurant sales permit may take place only during the period between 8 a.m. and 11 p.m.”;

(3) by replacing “However” in the first line of the second paragraph by “In addition” and by replacing “these hours” in that line by “the hours referred to in the first paragraph”.

13. Section 61 of the said Act is amended by replacing “sections 57, 58 and 59” in the second line of the first paragraph by “the first and third paragraphs of section 59”.

14. Section 63 of the said Act is amended by inserting the following paragraph after the first paragraph :

“Section 62 does not apply, between 6:00 a.m. and 8:00 a.m., to a room or terrace where a bar permit, a public house or “pub” permit or a tavern permit is used if, between those hours, a device complying with the standards prescribed by regulation prevents access to the place where the alcoholic beverages are kept, if no alcoholic beverage is consumed and if no video lottery machine registered under the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) may be played.”

15. Section 68 of the said Act is amended

(1) by striking out “In the case of the holder of a restaurant permit or bar permit,” in the first line of the second paragraph ;

(2) by replacing “his establishment” in the second and third lines of the second paragraph by “the establishment”.

16. Section 111 of the said Act is amended by adding the following paragraph at the end :

“A member of a police force authorized for such purpose by the Minister of Public Security or a member of the Sûreté du Québec may, in the exercise of his functions and to ascertain compliance with this Act and the regulations, stop a vehicle operated on a public highway, if he has reasonable grounds to believe that the vehicle is used by the holder of a permit to deliver alcoholic beverages, inspect any alcoholic beverages that is in the vehicle and examine any document relevant to the application of this Act and the regulations.”

17. Section 114 of the said Act is amended by inserting the following paragraph after paragraph 10 :

“(10.1) prescribe the standards according to which the holder of a permit authorizing alcoholic beverages to be sold for consumption on the premises may keep the alcoholic beverages in a tubing system;”.

ACT RESPECTING THE QUÉBEC SALES TAX

18. Section 677 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), amended by section 311 of chapter 51 of the statutes of 2001, section 385 of chapter 53 of the statutes of 2001 and section 174 of chapter 9 of the statutes of 2002, is again amended by replacing subparagraph 22 of the first paragraph by the following subparagraph:

“(22) determine that any beverage of a prescribed class intended for use or consumption in an establishment described in paragraph 18 of section 177 or outside such establishment, be in a container identified as prescribed by the Minister or of a prescribed size, and sold and delivered in that container; in addition, the Government may prescribe that such containers be used exclusively by the establishment;”.

19. This Act comes into force on 18 December 2002.