

Draft Regulations

Draft Regulation

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13)

Alcoholic beverages made with beer

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting alcoholic beverages made with beer, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation governs alcoholic beverages made by blending beer with non-alcoholic beverages, as well as beverages made by blending beer with other alcoholic beverages. It establishes minimum manufacturing standards as to the percentage of alcohol by volume of those blends so that they comply with the recent amendments respecting federal taxation.

The draft Regulation also governs the labelling, packaging and containers of those new alcoholic beverages, including conventional beer. It determines the specifications of containers and packages, and the inscriptions that must appear on them. Finally, compliance of alcoholic beverages derived from those blends, including labels, containers and any packaging, will be certified by the Société des alcools du Québec.

The draft Regulation will have a positive impact on the public, who will know the true nature of alcoholic beverages offered for sale. As for enterprises, the manufacturing standards for those new beverages will have an impact on a minority of producers who had already begun to market such beverages by advertising them as spirits.

Further information may be obtained by contacting Pierre A. Forgues, Director, Direction du commerce et de la construction, Ministère du Développement économique, de l'Innovation et de l'Exportation, 380, rue St-Antoine Ouest, 4e étage, Montréal (Québec) H2Y 3X7; telephone: 514 499-2199, extension 3184; fax: 514 873-7408; e-mail: PierreA.Forgues@mdeic.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments to Pierre A. Forgues at the above address within the 45-day period.

RAYMOND BACHAND,
*Minister of Economic Development,
Innovation and Export Trade*

JACQUES P. DUPUIS,
Minister of Public Security

Regulation respecting alcoholic beverages made with beer

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, 1st par., subpars. 1, 2, 3 and 5)

DIVISION I INTERPRETATION

1. In this Regulation,

“acquired alcoholic content” means the number of volumes of ethylic alcohol at a temperature of 20° Celsius contained in 100 volumes of the product considered at that temperature, expressed in percentage of alcohol by volume; (*titre alcoométrique acquis*)

“aromatic substance” means herbs, spices, fruit, plants or other aromatic vegetal substances, extract or essence thereof, as well as honey and maple syrup; (*substance aromatique*)

“beer blend” means an alcoholic beverage referred to in subparagraph 2 of the first paragraph of sections 24.2 and 25 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13), obtained by blending exclusively beer with fruit juice, water, carbon dioxide or flavouring, and that as a finished product is not beer, cider, wine, alcohol or spirits; (*mélange à la bière*)

“blend of beer and other alcoholic beverages” means an alcoholic beverage referred to in subparagraph 3 of the first paragraph of section 25 of the Act respecting the Société des alcools du Québec, obtained by blending a product made by the holder of a brewer's permit with at least one of the alcoholic beverages provided for in section 4 of this Regulation or with an alcoholic aromatic substance, and that as a finished product is not beer, cider, wine, alcohol or spirits; (*mélange de bière avec d'autres boissons alcooliques*)

“permit holder” means the holder of a brewer’s permit, of a beer distributor permit or of a small-scale beer producer’s permit. (*titulaire*)

DIVISION II MANUFACTURING CONDITIONS

§1. Beer blend

2. The ingredients used in making a beer blend must not contain alcohol and must be added to the beer after fermentation.

3. The acquired alcoholic content of a beer blend must be at least 1.5% and no more than 11.9% of alcohol by volume and must be derived from the fermentation of the beer.

§2. Blend of beer and other alcoholic beverages

4. The alcoholic beverages that may be used in making a blend of beer and other alcoholic beverages are beer, weak cider, wine and alcohol.

The holder of a brewer’s permit must purchase the alcoholic beverages from the holder of an industrial permit issued pursuant to the Act respecting the Société des alcools du Québec who authorizes the making of the alcoholic beverages.

5. The acquired alcoholic content of a blend of beer and other alcoholic beverages must be at least 1.5% by volume.

6. When a blend of beer and other alcoholic beverages is being made, the alcoholic beverages purchased by the holder of a brewer’s permit and the aromatic substances used by the permit holder may contribute to the acquired alcoholic content of the finished product in a maximum proportion of 49%.

DIVISION III INSCRIPTIONS ON CONTAINERS

7. A beer blend container must, by means of a label or otherwise, provide the following inscriptions in bold, indelible, legible and contrasting characters:

(1) the words “beer blend”, “beer-based alcoholic beverage”, “beer cooler” or “shandy”;

(2) the name and address of the permit holder and the number of the permit under which the permit holder made the alcoholic beverage;

(3) the acquired alcoholic content;

(4) the net volume;

(5) the words “made in Québec”, “product of Québec” or, where applicable, “product of (name of country of origin)” where the product comes solely from the county specified;

(6) the alphanumeric code identifying the production lot of the alcoholic beverage; and

(7) a list of ingredients.

The inscriptions required under subparagraphs 1 to 5 must appear on the principal visible surface of the container.

8. The container of a blend of beer and other alcoholic beverages must, by means of a label or otherwise, provide the following inscriptions in bold, indelible, legible and contrasting characters:

(1) the words “blend of beer and other alcoholic beverages”, “malt-based alcoholic beverage”, “malt alcoholic beverage” or “malt cocktail”, in addition to the name of the alcoholic beverage or alcoholic aromatic substance used in the blend;

(2) the name and address of the holder of a brewer’s permit and the number of the permit under which the permit holder made that alcoholic beverage;

(3) the acquired alcoholic content;

(4) the net volume;

(5) the words “made in Québec” or “made in Canada”, or “product of Québec” or “product of Canada”;

(6) the alphanumeric code identifying the production lot of the alcoholic beverage; and

(7) a list of ingredients.

The inscriptions required under subparagraphs 1 to 5 must appear on the principal visible surface of the container.

9. Any inscription or picture appearing on a beer or beer blend container or the container of a blend of beer and other alcoholic beverages, including any mark used to distinguish the alcoholic beverage, must be true and accurate and create no risk of confusion or error in the consumer’s mind particularly as regards the nature or composition of the alcoholic beverage.

In particular, it may not refer to any other alcoholic beverage or known alcoholic beverage-based cocktail, so as to avoid any risk of confusion between the product concerned and such beverage or cocktail.

10. A beer or beer blend container or the container of a blend of beer and other alcoholic beverages, as well as any packaging, must not create in the consumer's mind any risk of confusion with the container or other packaging associated with another alcoholic beverage.

DIVISION IV CERTIFICATION

11. A beer blend or a blend of beer and other alcoholic beverages covered by this Regulation may not be marketed in Québec unless it has been the subject of a certificate of compliance with this Regulation issued by the Société des alcools du Québec. The foregoing also applies to the label, container and any packaging for those alcoholic beverages.

At least 3 months before the date planned for the marketing of the alcoholic beverage concerned, the permit holder must provide the Société with a sample of the beverage, its composition, the method used in making the alcoholic beverage, as well as the label, container and any packaging.

DIVISION V TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS

12. A beer blend or a blend of beer and other alcoholic beverages, made or being made on the date of coming into force of this Regulation and not complying with this Regulation, may be marketed by the permit holder for 3 months from that date.

Labels, containers and packages for beer blends and blends of beer and other alcoholic beverages that do not comply with this Regulation on the date of its coming into force may be used for 3 months from that date.

13. Where a beer blend or a blend of beer and other alcoholic beverages is made with a view to being shipped outside Québec, the provisions of this Regulation that are incompatible with the legislation of the place of destination do not apply.

14. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

9125

Draft Regulation

Health Insurance Act
(R.S.Q., c. A-29)

Health Insurance Act — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Health Insurance Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the proposed amendments is to replace months by calendar years to express the period during which an insured service may not be rendered more than once by an optometrist. Their purpose is also to consider as insured services for the purposes of the Health Insurance Act an emergency examination and a posterior segment examination with pupil dilation by an optometrist, as well as the second dental examination by a dentist for oncological purposes, within 12 months of the first examination, in an institution which operates a hospital centre referred to in a Schedule to the Regulation.

Expressing the waiting period to obtain the same insured service rendered by an optometrist in calendar years rather than in months will make it easier to ascertain the eligibility of an insured person for that service and will shorten the waiting period to obtain the next service accordingly for a person to whom the initial service was rendered late during a calendar year.

Including the emergency examination by an optometrist in the insured services will make it fully recognized as a primary service where an insured person's eye condition requires immediate intervention, whereas a partial vision examination is currently used for that purpose.

Including the posterior segment examination with pupil dilation rendered by an optometrist in the insured services for insured persons with a known diagnosis of diabetes and treated by medication, or with myopia of 5 diopters or more, will favour early detection of pathologies likely to seriously affect the integrity of the retina and therefore prevent vision loss.

Including a second dental examination by a dentist for oncological purposes, within 12 months of the first examination, in an institution which operates a hospital centre referred to in a Schedule to the Regulation in the insured services will ensure better follow-up for the persons concerned, as well as fair remuneration for the professionals who have to deal with those complex cases.