



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 72
(2020, chapter 31)

**An Act to amend various legislative
provisions concerning mainly bodies
in the field of public safety**

**Introduced 21 October 2020
Passed in principle 2 December 2020
Passed 11 December 2020
Assented to 11 December 2020**

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EXPLANATORY NOTES

This Act changes the mode of appointment of investigators of the specialized anti-corruption police force and investigators of the Bureau des enquêtes indépendantes so that they will in future be appointed by the Anti-Corruption Commissioner and the director of the Bureau, respectively.

The Anti-Corruption Commissioner also appoints the other peace officers necessary for the pursuit of the Commissioner's mission, whereas the director of the Bureau des enquêtes indépendantes appoints investigation coordinators and investigation supervisors.

Subject to the provisions of a collective agreement, the remuneration standards and scales for persons appointed by the Anti-Corruption Commissioner and the director of the Bureau des enquêtes indépendantes as well as their employee benefits and other conditions of employment are determined by the Commissioner and the director, in accordance with the conditions defined by the Government. The Act determines the syndical and pension plans that are applicable to those persons.

The Act respecting the Québec correctional system is amended in order, among other things, to allow for the use of any technological means to hold the sittings of the Commission québécoise des libérations conditionnelles, to abolish the category of community members of the Commission and to establish that the decisions of the parole board regarding an offender are made by a single member, except in certain cases.

Various measures concerning liquor permits and alcoholic beverages are amended, in particular,

(1) to allow the holder of a restaurant sales permit to delegate to a third person the alcoholic beverage delivery activities authorized by the permit;

(2) to allow the price of alcoholic beverages sold for take out or delivery to differ from the price of alcoholic beverages sold for consumption on the premises;

(3) to set conditions relating to the use of a restaurant sales or service permit;

(4) to eliminate certain restrictions applicable to advertising alcoholic beverages;

(5) to bring into force certain provisions of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages, including those concerning the use of a permit for a seasonal period;

(6) to allow holders of a small-scale beer producer's permit to sell and deliver to grocery stores the alcoholic beverages they make; and

(7) to allow holders of a small-scale beer producer's permit and holders of a small-scale production permit to entrust, under certain conditions, the making and bottling of the alcoholic beverages they make to a third person.

The Act respecting the Régie des alcools, des courses et des jeux is amended, in particular,

(1) to provide that the number of commissioners is determined by the Government and that the latter may appoint part-time commissioners;

(2) to allow a sole commissioner to decide cases and applications presented under an Act administered by the board, even if public interest, public security or public tranquility are involved;

(3) to allow a member of the personnel to decide alone certain applications presented under the Act respecting safety in sports; and

(4) to provide that, in all cases where the board reviews or revokes a decision it has rendered, that decision must be reviewed or revoked by a person other than the person who rendered it.

Lastly, the Act contains various consequential and transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Labour Code (chapter C-27);
- Act respecting offences relating to alcoholic beverages (chapter I-8.1);

- Anti-Corruption Act (chapter L-6.1);
- 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 process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting the Syndical Plan of the Sûreté du Québec (chapter R-14);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Act respecting the Québec correctional system (chapter S-40.1);
- Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3);
- Regulation respecting liquor permits (chapter P-9.1, r. 5);
- Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6);
- Code of ethics of Québec police officers (chapter P-13.1, r. 1);
- Regulation respecting cider and other apple-based alcoholic beverages (chapter S-13, r. 4);
- Regulation respecting conditional release (chapter S-40.1, r. 2);
- Regulation respecting the Québec sales tax (chapter T-0.1, r. 2).

Bill 72

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MAINLY BODIES IN THE FIELD OF PUBLIC SAFETY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MODE OF APPOINTMENT OF SPECIALIZED POLICE FORCE INVESTIGATORS

DIVISION I

PROVISIONS CONCERNING THE SPECIALIZED ANTI-CORRUPTION POLICE FORCE

ANTI-CORRUPTION ACT

1. Section 8.4 of the Anti-Corruption Act (chapter L-6.1) is amended by replacing subparagraph *c* of paragraph 1 by the following subparagraph:

“(c) the other peace officers as follows:

- i. chief inspectors, inspectors, captains and lieutenants, who rank as senior officers;
- ii. sergeants and corporals, who rank as junior officers; and
- iii. constables;”.

2. Section 14 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“The Commissioner appoints, as members of the police force referred to in subparagraph *c* of paragraph 1 of section 8.4, the persons necessary for the pursuit of the Commissioner’s mission, including those acting within the specialized investigation unit under the authority of the Associate Commissioner for Investigations, according to the staffing plan and the standards that the Commissioner determines. Subject to the provisions of a collective agreement, the Commissioner determines remuneration standards and scales for those persons as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government.

Any member of another police force on secondment to the Commissioner by agreement between the Commissioner and the competent authority in respect of the other police force may also act as a member of that police force.”;

(2) by replacing “investigators of the unit” in the third paragraph by “members of the police force”.

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

“14.01. Subparagraph 4 of the first paragraph of section 115 of the Police Act (chapter P-13.1) does not apply to members of the police force acting within the specialized investigation unit.

The Government determines, by regulation, the selection criteria applicable to those members as well as the training they must undergo. The regulation may provide for exceptions to the training obligation applicable to the members.”

POLICE ACT

4. Section 126 of the Police Act (chapter P-13.1) is amended by striking out “of section 14 of the Anti-Corruption Act (chapter L-6.1) and” in the first paragraph.

5. Section 286 of the Act is amended by striking out “or a peace officer within the meaning of section 14 of the Anti-Corruption Act (chapter L-6.1)” in the first paragraph.

6. Section 289 of the Act is amended

(1) by striking out “, a peace officer within the meaning of section 14 of the Anti-Corruption Act (chapter L-6.1)” in the first paragraph;

(2) by striking out “or the peace officer within the meaning of section 14 of the Anti-Corruption Act” in the second paragraph.

CODE OF ETHICS OF QUÉBEC POLICE OFFICERS

7. Section 1 of the Code of ethics of Québec police officers (chapter P-13.1, r. 1) is amended by striking out “of section 14 of the Anti-Corruption Act (chapter L-6.1) and” in the second paragraph.

DIVISION II**PROVISIONS CONCERNING THE BUREAU DES ENQUÊTES
INDÉPENDANTES****POLICE ACT****8.** Section 289.5 of the Police Act (chapter P-13.1) is amended

(1) in the second paragraph,

(a) by striking out “appointed by the Government” in the introductory clause;

(b) by inserting the following subparagraphs after subparagraph 2:

“(2.1) investigation coordinators;

“(2.2) investigation supervisors;”;

(2) by striking out the third paragraph;

(3) by inserting “and its members are peace officers throughout Québec” after “mission” in the fourth paragraph.

9. Section 289.9 of the Act is amended

(1) by adding the following paragraph at the beginning:

“The director and assistant director of the Bureau are appointed by the Government.”;

(2) by replacing “director, assistant director or investigator” in paragraph 3 by “member”.

10. Section 289.10 of the Act is replaced by the following section:

“289.10. Investigation coordinators, investigation supervisors and investigators are appointed by the director of the Bureau according to the staffing plan and the standards that the director determines. Subject to the provisions of a collective agreement, the director of the Bureau determines remuneration standards and scales for those persons as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government.

The director must encourage parity between investigators who have never been peace officers and those who have.”

11. Section 289.11 of the Act is amended

(1) in the first paragraph,

(a) by inserting “investigation coordinator, investigation supervisor or” after “position of” in the introductory clause;

(b) by replacing “an investigator” in subparagraph 2 by “a member”;

(2) in the second paragraph,

(a) by striking out “and process”;

(b) by inserting “investigation coordinators, investigation supervisors and” after “applicable to”.

12. Section 289.12 of the Act is amended

(1) by replacing “, the assistant director and the investigators” in the first paragraph by “and the assistant director”;

(2) by replacing “, the assistant director and the investigators” in the third paragraph by “and the assistant director”.

13. Section 289.13 of the Act is amended by replacing “and the investigators” in the first paragraph by “and the other members”.

14. Section 289.27 of the Act is amended by inserting “and their average duration for each type of investigation, specifying the number and average duration of investigations involving a member of an Aboriginal community” at the end of subparagraph 3 of the second paragraph.

DIVISION III**COMMON AMENDING PROVISIONS****ACT RESPECTING THE SYNDICAL PLAN OF THE SÛRETÉ
DU QUÉBEC**

15. The title of the Act respecting the Syndical Plan of the Sûreté du Québec (chapter R-14) is amended by adding “and of specialized police forces” at the end.

16. Section 1 of the Act is amended by inserting the following paragraphs after paragraph *b*:

“(b.1) “members of the specialized anti-corruption police force”: the members of the specialized police force referred to in subparagraphs ii and iii of subparagraph *c* of paragraph 1 of section 8.4 of the Anti-Corruption Act (chapter L-6.1), except those referred to in the second paragraph of section 14 of that Act;

“(b.2) “members of the Bureau des enquêtes indépendantes”: the investigators of the Bureau des enquêtes indépendantes referred to in subparagraph 3 of the second paragraph of section 289.5 of the Police Act (chapter P-13.1);

“(b.3) “members of a specialized police force”: the members of the specialized anti-corruption police force and of the Bureau des enquêtes indépendantes;”.

17. Sections 2 and 4 of the Act are amended by inserting “or of a specialized police force” after “Police Force”.

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

“5. The members of the Police Force or of the specialized anti-corruption police force shall not be members of an association which is not composed exclusively of members of the Police Force or exclusively of members of that specialized police force or which is affiliated or otherwise linked with another organization and shall not enter into a service agreement with such an association or organization.

The members of the Bureau des enquêtes indépendantes shall not be members of an association consisting of employees exercising the functions of a peace officer or which is affiliated or otherwise linked with an organization consisting of employees exercising the functions of a peace officer and shall not enter into a service agreement with such an association or organization.”

19. Section 6 of the Act is amended by inserting “and of specialized police forces” after “Police Force”.

20. Section 7 of the Act is amended by inserting “for each association recognized under section 2” at the end of the first paragraph.

21. Section 8 of the Act is amended

(1) by replacing “, pension plan and any other condition of employment entailing pecuniary advantages to the members of the Police Force” in paragraph *a* by “and any other condition of employment entailing pecuniary advantages for the members of the Police Force or of a specialized police force and, for the members of the Police Force, the pension plan”;

(2) by inserting “or specialized police forces” at the end of paragraph *e*.

22. Section 11 of the Act is amended by inserting “or of a specialized police force” after “Police Force” in the first paragraph.

23. Section 13 of the Act is amended by replacing “Minister of Public Security” in the first paragraph by “Government”.

24. Unless the context indicates otherwise or this Act provides otherwise, in any Act, regulation or other document, a reference to the Act respecting the Syndical Plan of the Sûreté du Québec or any of its provisions is a reference to the Act respecting the Syndical Plan of the Sûreté du Québec and of specialized police forces or the corresponding provision of that Act.

LABOUR CODE

25. Section 1 of the Labour Code (chapter C-27) is amended by inserting the following subparagraph after subparagraph 5 of paragraph *l*:

“(5.1) a member of a specialized police force referred to in section 89.2 of the Police Act (chapter P-13.1);”.

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

26. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting “— The Bureau des enquêtes indépendantes” and “— The Anti-Corruption Commissioner” in alphabetical order.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

27. The Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended

(1) by adding the following paragraph at the end of section 3 of Schedule I:

“(4) member of a specialized police force who is referred to in subparagraph *c* of paragraph 1 of section 8.4 of the Anti-Corruption Act (chapter L-6.1), except a member acting as such under the second paragraph of section 14 of that Act, or who is referred to in any of subparagraphs 2.1 to 3 of the second paragraph of section 289.5 of the Police Act (chapter P-13.1);”;

(2) by inserting “Bureau des enquêtes indépendantes” and “Anti-Corruption Commissioner” in alphabetical order in section 1 of Schedule II.

DIVISION IV

TRANSITIONAL PROVISIONS

28. Members of the Anti-Corruption Commissioner's personnel appointed under section 12 of the Anti-Corruption Act (chapter L-6.1) who, on 11 December 2020, are acting within the specialized investigation unit established under the first paragraph of section 14 of the Anti-Corruption Act, as it read before being replaced by section 2 of this Act, and who meet the requirement set out in subparagraph 4 of the first paragraph of section 115 of the Police Act (chapter P-13.1) are deemed to have been appointed in accordance with the first paragraph of section 14 of the Anti-Corruption Act, as replaced by section 2 of this Act. They keep their remuneration, employee benefits and other conditions of employment, except the syndical plan, pension plan and grievance settlement and arbitration procedure, until the Commissioner determines remuneration standards and scales for them as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government under the first paragraph of section 14 of the Anti-Corruption Act, as replaced by section 2 of this Act, or until a first labour contract binding the Government and the recognized association representing them is made.

29. Investigators of the Bureau des enquêtes indépendantes who are in office on 11 December 2020 are deemed to have been appointed in accordance with the first paragraph of section 289.10 of the Police Act, as replaced by section 10 of this Act. They keep the remuneration, employee benefits and other conditions of employment determined by the Government under section 289.12 of the Police Act, as it read before being amended by section 12 of this Act, until the director of the Bureau determines remuneration standards and scales for them as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government under section 289.10 of the Police Act, as replaced by section 10 of this Act, or until a first labour contract binding the Government and the recognized association representing them is made.

Investigation supervisors in office on 11 December 2020 are deemed to have been appointed in accordance with the first paragraph of section 289.10 of the Police Act, as replaced by section 10 of this Act. They keep the remuneration, employee benefits and other conditions of employment determined by the Government under section 289.12 of the Police Act, as it read before being amended by section 12 of this Act, until the director of the Bureau determines remuneration standards and scales for them as well as their employee benefits and other conditions of employment in accordance with the conditions defined by the Government under section 289.10 of the Police Act, as replaced by section 10 of this Act.

Except for the purposes specified in this section, orders made under section 289.5 of the Police Act, as it read before being amended by section 8 of this Act, concerning the appointment of investigators of the Bureau des enquêtes indépendantes or concerning designations as investigation supervisors of the Bureau des enquêtes indépendantes cease to have effect on 11 December 2020.

30. A certification granted under the Labour Code (chapter C-27) to an association representing investigators of the Bureau des enquêtes indépendantes is revoked.

However, an association representing such investigators may continue to represent them on the condition that it complies with the Act respecting the Syndical Plan of the Sûreté du Québec (chapter R-14), as amended by this Act.

CHAPTER II

MEASURES CONCERNING THE COMMISSION QUÉBÉCOISE DES LIBÉRATIONS CONDITIONNELLES

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

31. The Act respecting the Québec correctional system (chapter S-40.1) is amended by inserting the following section after section 118:

“118.1. To hold the sittings of the parole board, appropriate technological means that are available to both the offender and the parole board should be used whenever possible.

The parole board may, even on its own initiative and without the offender’s consent, use such means or, if it considers it appropriate in light of the circumstances, order that such means be used by the offender. If the parole board intends to order that such means be used, it shall inform the offender within a reasonable time before the sitting.”

32. Section 120 of the Act is amended

(1) by inserting “and” after “vice-chair”;

(2) by striking out “and of at least one community member per region determined by regulation”.

33. Section 122 of the Act is replaced by the following section:

“122. The members of the parole board shall be appointed for terms not exceeding five years.”

34. Section 125 of the Act is amended by striking out “full-time members and part-time members and the fees and allowances of the community”.

35. Section 130 of the Act is repealed.

36. Section 138 of the Act is amended by replacing “A member of the” by “The”.

37. Section 141 of the Act is amended by replacing “A full-time or part-time member of the” in the introductory clause of the first paragraph by “The”.

38. Section 142 of the Act is amended by replacing both occurrences of “The member of the” by “The”.

39. Section 152 of the Act is amended by replacing the second paragraph by the following paragraph:

“After examining the application, the parole board shall reject it if it does not meet the conditions set out in the first paragraph or shall refer the case for re-examination.”

40. Section 154 of the Act is replaced by the following section:

“154. Decisions of the parole board regarding an offender are made by one of its members.

Despite the first paragraph, a decision examining a request for a temporary absence in preparation for conditional release under section 136 or examining or re-examining a conditional release under the second paragraph of section 143 must be made by two members if

(1) the decision concerns an offender who is incarcerated following a conviction for an offence of a sexual nature or related to domestic violence; or

(2) the chair considers it useful given, in particular, the complexity or importance of the case.

In the cases referred to in the second paragraph, the decision must be unanimous. If the two members cannot agree, the case shall be referred to two other members.”

41. The Act is amended by inserting the following section after section 156:

“156.1. If the examination of an offender’s application for a temporary absence in preparation for conditional release takes place within 28 days before the date of his or her eligibility for conditional release, the parole board may, if it authorizes the temporary absence, render a decision on his or her conditional release at the same sitting.”

42. Section 160 of the Act is amended by striking out “or, in the case of a temporary absence for a family visit, a member of the parole board,” and “the board or member” in the introductory clause of the second paragraph.

43. Section 161 of the Act is amended, in the first paragraph,

(1) by replacing “A member of the” in the introductory clause by “The”;

(2) by replacing “he or she has” in subparagraph 1 by “the parole board or the person has”.

44. Section 162 of the Act is amended by replacing “The member of the parole board who ordered the suspension under section 161 or, after consulting the parole board, the person designated by the parole board” in the first paragraph by “Following the suspension of a temporary absence or of a conditional release under section 161, the parole board or, after consulting the parole board, the person designated”.

45. Section 167 of the Act is amended

(1) by replacing “A member of the parole board or a person designated in writing by the parole board” in the first paragraph by “The parole board or a person designated in writing by the parole board”;

(2) by replacing “A member of the parole board or, after consulting the parole board” in the second paragraph by “The parole board or, after consulting the parole board”.

46. Section 169 of the Act is amended by striking out “full-time or part-time”.

47. Section 170 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) the applicable legislative prescriptions have not been complied with; or”.

48. Section 171 of the Act is amended

(1) by replacing “order a new review of the case” in paragraph 2 by “refer the case for re-examination”;

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

“In the case of a referral for re-examination, a member who participated in the review may not participate in the re-examination or in the subsequent review of the decision resulting from the re-examination.”

49. Section 172.1 of the Act is amended by inserting “138,” after “136,” in the first paragraph.

50. Section 175 of the Act is amended by inserting “138,” after “136,” in subparagraph *c* of subparagraph 2 of the first paragraph.

51. Section 193 of the Act is amended by striking out subparagraph 28 of the first paragraph.

REGULATION RESPECTING CONDITIONAL RELEASE

52. Division I of Chapter I of the Regulation respecting conditional release (chapter S-40.1, r. 2), comprising section 1, is repealed.

53. Section 7 of the Regulation is amended, in the first paragraph,

(1) by striking out “or one of its members”;

(2) by replacing “the parole board or the member” by “the parole board”.

54. Section 10 of the Regulation is amended by replacing “is on the record by a member of the parole board” in the third paragraph by “by the parole board is conducted on the record”.

TRANSITIONAL PROVISION

55. The terms of office of community members of the Commission québécoise des libérations conditionnelles in office on 10 December 2020 end on that date, without remuneration or other compensation in accordance with their instrument of appointment.

CHAPTER III

MEASURES CONCERNING LIQUOR PERMITS AND ALCOHOLIC BEVERAGES

ACT RESPECTING LIQUOR PERMITS

56. The Act respecting liquor permits (chapter P-9.1), amended by sections 1 to 58 of chapter 20 of the statutes of 2018, is again amended by inserting the following division after section 34:

“DIVISION I.2

“DELIVERY OF ALCOHOLIC BEVERAGES BY A THIRD PERSON

“**34.1.1.** A restaurant permit authorizes the permit holder to delegate to a third person the delivery activities authorized by the permit under section 27.

Despite any provision to the contrary, the third person may collect the payment due for the sale of alcoholic beverages on behalf of the permit holder when the latter has authorized the third person to do so.

The delegation must be the subject of a written agreement between the permit holder and the third person. The permit holder must keep the agreement until the date that is three years after the date on which the agreement ended.

“34.1.2. The third person may subdelegate the activities authorized by this division to a person who intends to make deliveries in the third person’s name.

The subdelegation must be the subject of a written agreement between the third person and the person. The third person must keep the agreement until the date that is three years after the date on which the agreement ended.

In addition, the third person must keep a register specifying the name and address of each person transporting alcoholic beverages in the third person’s name.

“34.1.3. A person making deliveries under this division may not deliver alcoholic beverages to an address other than the one appearing on the invoice or on another document of the same nature.

“34.1.4. The delivery activities delegated and subdelegated under this division are deemed to be carried on by the restaurant permit holder.

“34.1.5. The restaurant permit holder must take the necessary measures to ensure that the person making deliveries complies with the conditions for using the holder’s permit and with the holder’s obligations under this Act and the Act respecting offences relating to alcoholic beverages (chapter I-8.1) and their regulations.”

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

57. Section 2 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20) is amended

(1) by adding the following paragraph at the end of section 27 that it enacts:

“The price of alcoholic beverages sold for take out or delivery may differ from the price of alcoholic beverages sold for consumption on the premises.”;

(2) by replacing section 32 that it enacts by the following section:

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

58. Section 17 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) by striking out “sales” in the second paragraph;”.

59. Section 144 of the Act, amended by section 243 of chapter 5 of the statutes of 2020, is again amended by adding the following paragraph at the end:

“(3) sections 14 and 16, paragraph 3 of section 29, section 37, paragraph 3 of section 56, to the extent that it enacts paragraph 2.2 of section 114 of the Act respecting liquor permits, and paragraph 5 of section 59, to the extent that it strikes out paragraph 26 of section 2 of the Act respecting offences relating to alcoholic beverages, which come into force on 11 December 2020.”

REGULATION RESPECTING DUTIES AND COSTS PAYABLE UNDER THE ACT RESPECTING LIQUOR PERMITS

60. Section 1 of the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3) is amended by adding the following paragraph at the end:

“Notwithstanding the foregoing, in the case of a permit for a seasonal period, the amount payable under the first paragraph is reduced in proportion to the number of days during which the permit is not used.”

61. The Regulation is amended by inserting the following section after section 7.1:

“**7.2.** Where the holder of a permit for an annual period applies to have that period changed to a seasonal period, the board shall reimburse the portion of the duties paid corresponding to the number of days during which the permit is not used after the application.”

REGULATION RESPECTING LIQUOR PERMITS

62. The Regulation respecting liquor permits (chapter P-9.1, r. 5) is amended by inserting the following division after section 7:

“DIVISION III.1

“RESTAURANT PERMIT

“**7.1.** An applicant for a restaurant sales or service permit must demonstrate to the board that the arrangement of the establishment for which the application is made

(1) includes the equipment necessary to prepare and sell food;

(2) is set up and includes an area intended for the sale and service of food to patrons for consumption on the premises.

In addition, the applicant must send the board the menu the applicant plans to offer to patrons.

“7.2. The holder of a restaurant sales or service permit must maintain the equipment in good repair and in working order and have the necessary staff on duty to prepare and sell food during the hours and days when the permit holder sells or serves alcoholic beverages.

The permit holder may continue to sell or serve alcoholic beverages to a patron already admitted to the holder’s establishment until the close of the hours during which the holder’s permit may be used, despite the fact that the preparation and sale of food has ceased. However, no alcoholic beverages may be sold or served to a patron admitted after the preparation and sale of food has ceased.”

63. Section 32.7 of the Regulation is amended by inserting the following paragraph after paragraph 2:

“(2.1) permit holders who have contravened section 51.1 of the Act by using their permit outside the continuous period it indicates;”.

64. The Regulation is amended by inserting the following section after section 32.7:

“32.8. The following failures result in the payment of an administrative monetary penalty of \$800:

(1) restaurant sales permit holders who have contravened the third paragraph of section 28 of the Act by selling, for take out or delivery, alcoholic beverages not accompanied by food;

(2) restaurant sales or service permit holders who have contravened section 7.2 by selling or serving alcoholic beverages to a patron admitted after the preparation and sale of food has ceased.”

REGULATION RESPECTING PROMOTION, ADVERTISING AND EDUCATIONAL PROGRAMS RELATING TO ALCOHOLIC BEVERAGES

65. Sections 6 and 8 of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6) are repealed.

REGULATION RESPECTING THE QUÉBEC SALES TAX

66. Section 677R3 of the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended by replacing the second paragraph by the following paragraph:

“It is the same for alcoholic beverages, other than alcohol and spirits, which are intended to be sold, for take out or delivery, by an establishment that primarily and ordinarily prepares and sells food for consumption on the premises, if the alcoholic beverages are sold with food prepared by the establishment.”

67. Section 677R6 of the Regulation is amended by replacing the second paragraph by the following paragraph:

“Notwithstanding the first paragraph, alcoholic beverages other than alcohol and spirits, conserved in an identified container, may be sold to a consumer, by an establishment that primarily and ordinarily prepares and sells food for consumption on the premises, for take out or delivery accompanied by food prepared by the establishment.”

68. Section 677R9.1.1 of the Regulation is replaced by the following section:

“677R9.1.1. Beer intended to be sold, by an establishment that primarily and ordinarily prepares and sells food for consumption on the premises, for take out or delivery accompanied by food prepared by the establishment shall be in an identified container and shall be sold and delivered in such a container.”

TRANSITIONAL PROVISIONS

69. The Act respecting liquor permits (chapter P-9.1) is to be read as follows from 11 December 2020 until the date of coming into force of section 27 of that Act, enacted by section 2 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20):

(1) as if sections 28 and 28.1 were replaced by the following sections:

“28. A restaurant sales 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 sales 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.

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

The price of alcoholic beverages sold for take out or delivery may differ from the price of alcoholic beverages sold for consumption on the premises.

“28.1. A restaurant service permit authorizes its holder, in an establishment whose principal and usual activity is to prepare and sell food on the premises, to serve to his patrons, or allow them to consume on the premises, alcoholic beverages, other than alcohol and spirits, they have brought with them to the establishment for consumption on the premises, if such beverages are generally served as an accompaniment to the food prepared by the permit holder.”;

(2) as if **“DIVISION I.2”** in the heading before section 34.1.1, enacted by section 51 of this Act, were replaced by **“DIVISION I.1”**;

(3) as if “restaurant permit” and “27” in the first paragraph of section 34.1.1, enacted by section 51 of this Act, were replaced by “restaurant sales permit” and “28”, respectively;

(4) as if both occurrences of “restaurant permit” in sections 34.1.4 and 34.1.5, enacted by section 51 of this Act, were replaced by “restaurant sales permit”; and

(5) as if sections 34.1.1 to 34.1.5, enacted by section 51 of this Act, were renumbered 34.2.1 to 34.2.5.

70. Paragraph 2.2 of section 114 of the Act respecting liquor permits, enacted by paragraph 3 of section 56 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages, is to be read as if it were renumbered 2.1 from 11 December 2020 until the date of coming into force of paragraph 3 of that section 56, to the extent that it enacts paragraph 2.1 of section 114 of the Act respecting liquor permits.

CHAPTER IV

MEASURES CONCERNING SMALL-SCALE BEER PRODUCER’S AND SMALL-SCALE PRODUCTION PERMITS

ACT RESPECTING LIQUOR PERMITS

71. Section 72.1 of the Act respecting liquor permits (chapter P-9.1), amended by section 29 of chapter 20 of the statutes of 2018, is again amended by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) in the establishment of the holder of a grocery permit, the presence of alcoholic beverages supplied by the holder of a small-scale beer producer’s permit;”.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

72. Section 24.1 of the Act respecting the Société des alcools du Québec (chapter S-13), amended by section 105 of chapter 20 of the statutes of 2018, is again amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) have his raw materials pressed and the alcoholic beverages he makes filtered and bottled, on his behalf and in his establishment, by a person who has the necessary equipment and expertise;”.

73. Section 24.2 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) have the alcoholic beverages he makes filtered and bottled, on his behalf and in his establishment, by a person who has the necessary equipment and expertise;”;

(2) by inserting “and sell and deliver the same alcoholic beverages to the holder of a grocery permit” after “Act respecting liquor permits” in the third paragraph.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

74. Section 82.1 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended by inserting the following paragraph after the second paragraph:

“In addition, no holder of a grocery permit may keep, possess or sell in his establishment beer made by the holder of a small-scale beer producer’s permit not purchased directly from that permit holder.”

75. Section 83 of the Act is amended by replacing “or from the Corporation” in paragraph 6 by “, from the Corporation or from a grocery permit holder”.

REGULATION RESPECTING CIDER AND OTHER APPLE-BASED ALCOHOLIC BEVERAGES

76. Section 13.1 of the Regulation respecting cider and other apple-based alcoholic beverages (chapter S-13, r. 4) is amended by striking out “themselves”.

CHAPTER V**MEASURES RELATING TO THE GOVERNANCE OF THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX****ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX**

77. Section 3 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1) is replaced by the following section:

“3. The board shall consist of commissioners, including a president and not more than two vice-presidents, in a number determined by the Government. The commissioners shall be appointed by the Government for terms not exceeding five years.

The Government may appoint part-time commissioners.”

78. Section 4 of the Act is repealed.

79. Section 15 of the Act is amended by replacing “Nine commissioners constitute” in the second paragraph by “A majority of the commissioners constitutes”.

80. Section 26 of the Act is replaced by the following section:

“26. The decisions of the board shall be made in one of three ways: in a plenary session, by one or more commissioners or by a member of the personnel designated by the president.”

81. Section 27 of the Act is repealed.

82. Section 28 of the Act is amended, in the first paragraph,

(1) by striking out “, except cases and applications involving public interest, public security or public tranquility” in subparagraph 2;

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

“(3) an application for review under the last paragraph of section 29 or under section 37, or an application for the review of a decision rendered by a racing judge or a paddock judge under section 53 or 54 of the Act respecting racing (chapter C-72.1).”

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

“28.1. The president or the vice-president designated by the president for that purpose may, where he considers it expedient, in particular given the complexity or importance of a matter, provide for a panel consisting of more than one commissioner, of whom one shall be an advocate.

The decision shall be made by a majority of the commissioners who heard the matter. In the case of a tie, the matter before the panel shall be referred to the president so that he may refer it to another panel.”

84. Section 29 of the Act is amended by inserting “, the Act respecting safety in sports (chapter S-3.1)” after “the Act respecting lotteries, publicity contests and amusement machines (chapter L-6)” in subparagraph 1 of the first paragraph.

85. Section 37 of the Act is amended by replacing “In cases to which subparagraph 3 of the first paragraph applies” in the second paragraph by “In all cases”.

CHAPTER VI

FINAL PROVISIONS

86. The provisions of this Act come into force on 11 December 2020, except sections 57 and 58, which come into force on the date of coming into force of section 27 of the Act respecting liquor permits (chapter P-9.1), enacted by section 2 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20).