

regard to alcoholic beverages, the Government, upon the recommendation of the Minister of Economy and Innovation and the Minister of Public Security, may make regulations determining the cases in which and conditions on which the holder of a permit issued under the 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 the permit holder makes during such an event;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting participation in a tasting show or in an exhibition held to present or discover alcoholic beverages was published in Part 2 of the *Gazette officielle du Québec* of 17 February 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security and the Minister of Economy and Innovation:

THAT the Regulation respecting participation in a tasting show or in an exhibition held to present or discover alcoholic beverages, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting participation in a tasting show or in an exhibition held to present or discover alcoholic beverages

Act respecting the Société des alcools du Québec (chapter S-13, s. 28.1, 1st and 2nd pars., s. 37, 1st par., subpar. 8.1)

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, ss. 110 and 120)

1. The holder of a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) may, in accordance with section 28.1 of that Act, as made by section 110 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), with the authorization of the Régie des alcools, des courses et des jeux, participate in a tasting

show or an exhibition held, in whole or in part, to present or discover alcoholic beverages, and sell for consumption on the premises, at the tasting show or exhibition, the alcoholic beverages the permit holder makes and holds in inventory.

2. This Regulation comes into force on 5 August 2021.

105187

Gouvernement du Québec

O.C. 1053-2021, 7 July 2021

Act respecting liquor permits
(chapter P-9.1)

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)

Liquor permits —Legal regime applicable

Regulation respecting the legal regime applicable to liquor permits

WHEREAS 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) was assented to on 12 June 2018;

WHEREAS, under the first and second paragraphs of section 113.1 of the Act respecting liquor permits (chapter P-9.1), as made by section 55 of the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages, the Government may, by regulation:

— determine the conditions for obtaining or using a permit that do not apply to one or more classes of permits and, where that is the case, the rules applicable;

— determine the cases in which the authorization provided for in section 73 of the Act is not required;

WHEREAS, under paragraphs 1, 2, 2.1, 2.2, 2.4, 2.5, 3.1, 6, 7, 9, 10, 15.1, 15.2 and 16 of section 114 of the Act respecting liquor permits, as amended by 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, the Government may, after consulting the Régie des alcools, des courses et des jeux, make regulations:

—determining classes of tourist accommodation establishments for the purpose of determining what constitutes a lodging facility;

—specifying the activities involving alcoholic beverages that such a permit authorizes and prescribing the conditions for obtaining and using the permit;

—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;

—determining the conditions for the issue and use of a permit under the Act respecting liquor permits, and the cases in which and conditions on which an event permit may be issued;

—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;

—determining, for the purposes of section 65 of the Act, 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;

—determining the form and content of permits and prescribing any form intended to facilitate the application of the Act and the regulations thereunder;

—prescribing, particularly in respect of the surface area, lighting and furnishings, standards of arrangement applicable to establishments and their rooms and terraces, and the standards of arrangement required to allow the presentation of shows, the projection of films, or dancing;

—prescribing the standards the board must apply to fix the number of persons who may be admitted at one time to an establishment or to each room or on each terrace of the establishment;

—determining, for the application of sections 66 to 68 of the Act, the form and tenor of notices and of price lists;

—prescribing the standards with which the devices contemplated in section 87.1 of the Act must comply;

—determining the amount of the administrative monetary penalty for each failure to comply provided for in paragraphs 1 to 4 of section 85.1 of the Act on the basis of the types of alcoholic beverages and the quantities specified per container or otherwise;

—determining when failure to comply with the Act, the Act respecting offences relating to alcoholic beverages and the regulations made under them may be subject to an administrative monetary penalty and determining the amount of such penalty on the basis of the types of alcoholic beverages and the quantities specified per container or otherwise;

—providing any other measure useful to the application of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the legal regime applicable to liquor permits was published in Part 2 of the *Gazette officielle du Québec* of 17 February 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting the legal regime applicable to liquor permits, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting the legal regime applicable to liquor permits

Act respecting liquor permits
(chapter P-9.1, s. 113.1, 1st and 2nd pars., s. 114, pars. 1, 2, 2.1, 2.2, 2.4, 2.5, 3.1, 6, 7, 9, 10, 15.1, 15.2 and 16)

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, ss. 55 and 56)

DIVISION I INTERPRETATION

1. In this Regulation, unless the context indicates otherwise, “Act” means the Act respecting liquor permits (chapter P-9.1).

DIVISION II APPLICATION TO THE BOARD

§1. *General provisions*

2. Every application for a permit, option, authorization, approval or amendment must be filed using the appropriate form prescribed by the Régie des alcools, des courses et des jeux (the “board”).

3. For an application for any permit except a reunion permit, the form, duly completed and including the schedules, must be filed with the following documents:

(1) if the applicant is not a Canadian citizen or permanent resident, a copy of the work permit issued by the Canadian authorities authorizing the applicant to work in Québec;

(2) if the applicant is a legal person, the schedule showing the membership of its board of directors, the names of the shareholders holding 10% of more of the shares with full voting rights, and the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) if the applicant is a partnership, the schedule showing the names of the partners and the business number;

In addition, at the request of the board, the applicant must provide a photograph of the building and of the places where the permit will be used.

4. An application for a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, except a reunion permit, must include a detailed plan of the layout of the rooms or terraces where the applicant plans to use the permit, and a document showing the calculation of the number of persons who may be admitted at the same time to each place.

The documents must be approved by an engineer, an architect or the municipality in whose territory the establishment covered by the application is situated.

However, this requirement does not apply to

(1) an application for a restaurant permit including the “caterer” option if the activities authorized by that option are exercised exclusively;

(2) an application for an accessory permit when it covers a lodging facility and no other permit is used in the facility; or

(3) an application for any other permit for which the board does not set the permitted capacity.

5. When an application for a permit concerns a place for which the board does not set the permitted capacity, it may require a sketch or other document showing the service points where the applicant plans to sell or serve alcoholic beverages and the place where the applicant plans to store alcoholic beverages.

6. Unless otherwise provided for in the Act, any change in the information provided in support of an application to the board must be reported to the board within 30 days.

§2. *Transfer and authorization for temporary use*

7. A person applying for a permit following the alienation or leasing of the establishment for which a permit is already in force must be the owner or lessee of the establishment or be expressly authorized by the owner or lessee of the establishment to use the permit, and provide written proof of that fact. In addition, the application must include, when filed with the board, the deed of ownership of the stock in trade, the costs for examination provided for in the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3) and, where applicable, the duties payable to obtain temporary authorization to use the permit, as provided for in the Regulation.

In addition, in the case of a partnership or legal person, the application must include the schedules to the form indicating, as the case may be, the names of the partners or the members of the board of directors and the names of the shareholders holding 10% or more of the shares with full voting rights.

8. Where an application for a permit results from the alienation or leasing of the establishment for which a permit is already in force, and where no change has occurred in the layout of a room or terrace, the board may, rather than require a detailed plan of the layout and the document showing the calculation of the number of persons who may be admitted at the same time to each place, accept a statement by the applicant to the effect that no change has been made to the establishment.

9. Where an application for authorization for the temporary use of a permit is filed under section 79 of the Act, the board may require the following documents in particular:

(1) if the applicant is the liquidator of a succession:

(a) the certificate attesting to the death of the permit holder;

(b) written proof of the applicant's capacity as liquidator of the succession;

(2) if the applicant is a trustee in bankruptcy, written proof of the applicant's appointment and mandate;

(3) if the applicant is a judicial or conventional sequestrator, a copy of the deed or court judgment by which the applicant was appointed;

(4) if the applicant is a trustee, a copy of the deed or court judgement by which the applicant was appointed.

The application for authorization for the temporary use of a permit must be filed without delay.

§3. *Application for amendment*

10. The following applications for amendment must include a detailed plan of the rooms or terraces and a document showing the calculation of the number of persons who may be admitted at the same time to each place:

(1) the place where the permit is used;

(2) the layout of the establishment;

(3) the number of persons who may be admitted at the same time in a room or on a terrace;

The documents must be approved by an engineer, an architect or the municipality in whose territory the establishment covered by the application is situated, and show the changes justifying the application.

When the application for amendment concerns a place for which the board does not set the permitted capacity, it may require a sketch or other document showing the service points where the applicant plans to sell or serve alcoholic beverages and the place where the applicant plans to store alcoholic beverages.

11. The holder of an accessory permit must file, with the board, an application for amendment for any change in the activities carried on in the establishment. The application must include a certificate from the clerk or secretary-treasurer of the municipality in whose territory the establishment is situated, attesting to the fact that the new activities are compliant with the land planning by-laws.

DIVISION III LAYOUT STANDARDS AND CAPACITY

12. For the purposes of this Regulation and of the Act, a room is a place located inside an establishment, permanently delimited by walls or partitions laid out in accordance with the floor plan submitted with the application,

that allows the board to set the number of persons who may be admitted at the same time, excluding entrances, hallways, balconies, kitchens and bathrooms.

13. The permit holder may not receive at the same time, in a room or place covered by the permit, a greater number of persons than the number set by the board.

The board sets the number of persons based on the standards in the National Fire Code of Canada, published by the National Research Council Canada.

14. To use a permit on a terrace, the permit holder must comply with the following layout standards:

(1) the terrace must be delimited by a structure that defines its location and allows the number of persons who may be admitted and seated there at the same time to be set;

(2) the terrace must be furnished in a way that allows the number of persons who may be admitted and seated there at the same time to be accommodated.

15. Every establishment where a permit authorizing the sale or service of alcoholic beverages for consumption on the premises is used, except a reunion permit, must be equipped with a system to provide full lighting throughout the premises in emergencies or when needed.

16. When a reception is held in a place that is not covered by a permit, as provided for in the second paragraph of section 68 of the Act, the place must comply with the layout standards provided for in the Building Act (chapter B-1.1), the Environment Quality Act (chapter Q-2) and the regulations made under those Acts.

17. The device referred to in section 87.1 of the Act must be equipped with a locking mechanism to prevent access to alcoholic beverages.

DIVISION IV PERMIT AUTHORIZING CONSUMPTION ON THE PREMISES

§1. *Lodging facility*

18. Where an application for a permit concerns a lodging facility within the meaning of section 1 of the Act, the facility must belong to one of the following categories of tourist accommodation establishments determined by the Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1):

(1) hotel establishments;

(2) bed and breakfast establishments.

The applicant must indicate the number of minibars and the location of each vending machine.

In addition, the applicant must provide a copy of the classification certificate issued under the Act respecting tourist accommodation establishments (chapter E-14.2).

19. A client who purchases alcoholic beverages in a place in a lodging facility where a bar permit, restaurant permit or accessory permit is used, or who purchases them in the manner provided for in section 29 of the Act, may circulate within the lodging facility to go to a common area approved by the board or a guest room in the lodging facility to consume the alcoholic beverages.

Alcoholic beverages intended for consumption in a common area of a lodging facility must be served in a container containing an individual portion. A partially consumed container of wine that has been securely resealed as provided for in the second paragraph of sections 26 and 27 of the Act cannot be taken into a common area.

20. An application for approval from the board for the consumption of alcoholic beverages in common areas located inside or outside a lodging facility must list the locations of the common areas concerned.

The following places do not constitute common areas within the meaning of this Regulation:

- (1) toilets;
- (2) corridors;
- (3) cloakrooms;
- (4) staircases;
- (5) parking lots;
- (6) places covered by a permit authorizing the sale or service of alcoholic beverages for consumption on the premises;
- (7) any place covered by a notice concerning the holding of a reception or a reunion permit.

21. When alcoholic beverages may be consumed in the common area of a lodging facility, the permit holder must ensure that the common area is under regular visual surveillance so that a person present in the establishment and designated for that purpose can intervene if the situation so requires.

22. A minibar located in the guest room of a lodging facility must be equipped with a price list of alcoholic beverages and must be lockable.

23. A vending machine for alcoholic beverages installed inside a lodging facility must be reserved for the sole use of clients and must operate using a mechanism that requires, as a prior step, the intervention of an employee of the permit holder, using a key, code, coupon, token or card.

In addition, it must be equipped with a closing device to prevent the sale of alcoholic beverages outside the operating hours authorized by the permit used in the lodging facility.

§2. *Restaurant permit*

24. An applicant for a restaurant permit must demonstrate to the board that the layout of the establishment covered by the application

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

(2) is organized and includes a place intended for the sale and service of food to customers for consumption on the premises.

In addition, it must file with the board the menu it plans to offer its customers.

The requirement of subparagraph 2 of the first paragraph does not apply to an application for a permit with the “caterer” option if the applicant intends to exercise those activities exclusively.

25. The holder of a restaurant permit must maintain the equipment in a functional and operational state and have the staff members needed to provide a food preparation and sales service during the hours when alcoholic beverages are served or sold.

The permit holder may continue to sell or serve alcoholic beverages to a client admitted to the establishment until the time when use of the permit must end, even if food preparation and sales have ended. However, the sale or service of alcoholic beverages to a client who is admitted after food services and sales have ended is prohibited.

The first paragraph does not apply if the restaurant permit includes the “caterer” option and is used by the permit holder only to exercise such activities exclusively.

§3. Accessory permit

26. An applicant for an accessory permit must indicate to the board the nature of the activities carried on in the establishment or place covered by the application.

The principal activity carried on in the place for which the accessory permit is requested must be different from the activities authorized by a bar permit or restaurant permit.

§4. Options

“No minors” option

27. A permit authorizing the sale or service of alcoholic beverages for consumption on the premises may include the “no minors” option.

28. The “no minors” option is mandatory when the activities carried on in the establishment covered by the permit are intended for persons of full age.

An activity is deemed to be intended for persons of full age if, in particular,

(1) its content or nature involves explicit sexuality or explicit nudity;

(2) in the case of a film, it is classified “18 and over” by the director of classification under the Cinema Act (chapter C-18.1).

29. Where a permit includes the “no minors” option, the permit holder may not admit a minor, permit the presence of a minor, employ a minor or allow a minor to present or participate in a show in the establishment covered by the permit.

“Service” option

30. A restaurant permit or accessory permit may include the “service” option.

“Caterer” option

31. A restaurant permit may include the “caterer” option.

32. An applicant for a permit with the “caterer” option that intends to exercise such activities exclusively must indicate to the board the place where the applicant plans to store alcoholic beverages.

33. Where the holder of a restaurant permit that includes the “caterer” option carries on activities outside the permit holder’s establishment, access to the premises where food is served must be restricted to a group of persons. The permit holder must remain on the premises where food is sold while the alcoholic beverages sold are being consumed.

The permit holder must bring back any unopened containers of alcoholic beverages to the permit holder’s establishment, but may allow a client to take home a partially consumed container of wine sold to the client while food was being served, provided the container has been securely resealed.

After serving the food, the permit holder must destroy all the beer, cider and wine left behind by clients in partially consumed containers. However, all containers of alcohol and spirits must be brought back to the permit holder’s establishment.

The requirements provided for in the preceding paragraphs do not apply when food is served during an activity referred to in section 51.

§5. Reunion permit

“Application and general conditions”

34. A reunion permit to sell or serve alcoholic beverages may be issued for an activity of any kind.

The activity must take place during the period or on the dates determined by the board.

35. For the purposes of this subdivision, the following entities are deemed to be non-profit legal persons:

(1) an association within the meaning of the Civil Code;

(2) a social economy enterprise within the meaning of the Social Economy Act (chapter E-1.1.1);

(3) an entity authorized under the Election Act (chapter E-3.3), a political party or candidate authorized under the Act respecting elections and referendums in municipalities (chapter E-2.2) and a candidate authorized under the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) are deemed to be non-profit legal persons.

36. An applicant for a reunion permit must be a natural person, a legal person or a partnership.

An application for a reunion permit issued on behalf of an authorized entity or an authorized political party or candidate within the meaning of paragraph 3 of section 35 must be filed by the official representative of the entity, party or candidate, or the representative's delegate.

37. An application for a reunion permit must be filed with the board at least 15 days prior to the date of the activity or, when the activity is to take place over several days, at least 15 days prior to the first day of the activity.

However, the board may issue a reunion permit if the applicant shows that it was impossible to file the application within the time limit.

38. The board may issue a reunion permit even if the planned use of the permit is an operation for which another permit could be issued, provided that the use is not commercial in nature and does not constitute the applicant's principal activity.

In such a case, the board takes into account, in particular, the nature and destined use of the planned operation site, the nature and frequency of the planned activities and the persons expected to participate.

39. The board may issue a reunion permit for an indoor or outdoor space in an establishment where a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) is used.

However, a reunion permit issued in accordance with the first paragraph may not be used in the actual place where alcoholic beverages are made.

40. An applicant for a reunion permit must be the owner or lessee of the place where the activity will take place or must be authorized by the owner or lessee to use it.

41. The holder of a reunion permit must purchase the beer that the holder plans to sell or serve without charge directly from the holder of a grocery permit or holder of a small-scale beer producer's permit issued under the Act respecting the Société des alcools du Québec (chapter S-13).

42. No reunion permit may be issued for use in a place where a permit has been cancelled, for the period of 6 months following the date of the cancellation. Similarly, no reunion permit may be issued for use in a place where a permit has been suspended, for as long as the suspension is in effect.

The first paragraph does not apply if the cancellation or suspension was requested by the permit holder, or in the case of a cancellation covered by section 55 of the Act.

“Reunion permit to sell”

43. A reunion permit to sell includes the right to serve alcoholic beverages without charge.

44. Subject to section 45, the holder of a reunion permit to sell must remit to a non-profit legal person having an establishment in Québec all profits from the sale of alcoholic beverages and entry fees or admission charges.

A copy of the agreement between the applicant and the legal person, showing that the profits are to be remitted to the legal person, must be included with the permit application.

The permit holder must, within 30 days of filing the application with the board, forward proof that the profits have been remitted in accordance with the agreement.

45. A non-profit legal person holding a reunion permit to sell may make a profit from the sale of alcoholic beverages and entry fees or admission charges, provided

(1) the profit generated does not personally benefit its members, directly or indirectly;

(2) the profit is used to achieve its own objective or the objectives of another non-profit legal person; and

(3) the use of the revenue and profit is consistent with the Election Act (chapter E-3.3), the Act respecting elections and referendums in municipalities (chapter E-2.2) and the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3), as the case may be.

Where the profit from the activity is used to achieve the objectives of another non-profit legal person, the second and third paragraphs of section 44 apply.

46. Despite sections 38, 41, 44 and 45, the board may issue a reunion permit to a person or partnership that uses a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, on condition that access to the activity for which the permit is requested is limited to a group of persons and provided that the applicant refuses to admit any person who does not belong to the group, regardless of whether the activity takes place inside or outside the permit holder's establishment.

However, if the applicant is a non-profit legal person, the activity may be open to the public and the profit generated during the activity must be used as provided for in section 45.

Alcoholic beverages sold or served during the activity for which the reunion permit is issued must be purchased in accordance with the permit authorizing the sale or service of alcoholic beverages for consumption on the premises.

47. The board may issue a reunion permit to sell on the site of a tasting show or exhibition held, in whole or in part, to present or discover alcoholic beverages, to every participant in the activity, who may be

(1) a foreign supplier or a supplier of alcoholic beverages to the Société des alcools du Québec;

(2) the agent or representative of a person referred to in subparagraph 1 or of a manufacturer of alcoholic beverages, in which case the reunion permit is deemed to also cover the person represented; or

(3) a non-profit legal person.

Despite section 44, the participants may make a profit during such an event.

“Reunion permit to serve”

48. A reunion permit to serve authorizes the permit holder to allow the consumption of alcoholic beverages brought to the activity by the participants or to serve alcoholic beverages without charge during the activity.

49. The reunion permit to serve does not include the right to sell alcoholic beverages.

In addition, charging an entry fee or admission charge for the activity is prohibited if the fee or charge is used by the permit holder to finance, directly or indirectly, the purchase of alcoholic beverages.

50. The board may issue a reunion permit to serve to a diplomat, consul or member of the International Civil Aviation Organization who applies for it for an activity held outside the applicant’s establishment or residence.

51. A reunion permit to serve is not required for an activity held in a residence or in the establishment of an enterprise where no permit is used.

In addition, a reunion permit to serve is not required for a private activity held in an indoor or outdoor space where no permit is used and where fewer than 200 persons are expected to attend.

§6. Miscellaneous provisions

52. The notice provided for in section 68 of the Act to indicate the holding of a reception must contain the following information:

(1) the name of the group of persons for whom the room or terrace is reserved;

(2) the date and time of the reception;

(3) a note stating that access to the room or terrace reserved for the reception is limited to the people belonging to the group identified in the notice.

53. A permit holder is dispensed from the requirement to obtain authorization under section 73 of the Act for the projection of films in a room or on a terrace where the permit holder uses the permit, except if the films projected are intended for persons of full age.

DIVISION V PERMITS AUTHORIZING CONSUMPTION IN ANOTHER PLACE

§1. Grocery permit

54. An applicant for a grocery permit must, for the applicant’s establishment to be considered a grocery store,

(1) display an assortment of foods having a value of at least \$5,500 based on their retail price; and

(2) ensure that the assortment of foods represents at least 51% of the products displayed in the store.

The assortment of foods must comprise at least three of the following categories of products:

(1) meat, protein and substitutes;

(2) dairy products;

(3) preserves, cereals, pasta, flour and products sold loose;

(4) fruit and vegetables;

(5) bakery products;

(6) candy, carbonated water and chips;

(7) deep-frozen products;

(8) condiments and sauces;

(9) “ready to eat” foods.

The applicant must file with the board, with the permit application, an inventory of the products on display to demonstrate compliance with the requirements of this section. The board may also require photographs of the display.

For the purposes of this subdivision, alcoholic beverages are not considered to be foods.

55. The holder of a grocery permit must, at all times, maintain an assortment of foods that meets the requirements of this subdivision and that account for at least 51% of all products on display in the store, excluding alcoholic beverages.

56. When another business is operated in a place where a grocery permit is used, each business must keep separate accounts and the sums of money obtained from the sales of each business must be readily identifiable.

57. The price list provided for in section 66 of the Act must list the price of beer by the case, bottle and can.

§2. Permit used in a means of public transportation

58. In the case of a permit used in a means of public transportation, section 38, paragraphs 1, 2 and 3 of section 39, sections 40, 47, 59 to 68, 72 to 74 and 82 to 84 of the Act do not apply.

Sections 84, 85, 93, 94, 103.2, 103.3, 103.6, paragraphs 1, 2, 5, 6 and 8 of section 109 and paragraph 5 of section 110 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) do not apply.

§3. Options

“Domestic manufacture” option

59. A winemaking and brewing centre permit may include the “domestic manufacture” option.

60. Where a permit includes the “domestic manufacture” option, the permit holder must ensure each client is of full age and present in person to

- (1) pay for the ingredients needed to manufacture beer or wine;
- (2) pay for the services needed to manufacture beer or wine;
- (3) mix together the ingredients needed to trigger a process of fermentation in order to manufacture beer or wine and add yeast to the mixture;

(4) bottle, seal and label beer or wine; and

(5) take away the beer or wine after as soon as it is bottled.

A client may be accompanied or substituted by another person of full age to help the client accomplish the tasks listed in subparagraphs 3 to 5 of the first paragraph, provided that person is not the holder of a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13).

61. The holder of a permit that includes the “domestic manufacture” option may perform the following tasks even if the client is not present:

- (1) add a fining agent or stabilizing agent to the client’s previously mixed ingredients;
- (2) filter and carbonate the client’s ingredients;
- (3) decant the client’s beer or wine into another container.

62. The holder of a permit that includes the “domestic manufacture” option must ensure that a label is affixed to each container used to manufacture beer or wine when manufacturing begins to identify the client using the invoice number.

A label must also be affixed to each container used for production or conditioning.

63. Before beginning the manufacturing process authorized under the “domestic manufacture” option, the client must be given an invoice. The invoice must include the following information:

- (1) the name, address and telephone number of the permit holder;
- (2) the name, address and telephone number of the client;
- (3) the category of alcoholic beverage that will be manufactured, which must be either wine or beer, and the quantity to be manufactured;
- (4) the ingredients sold for use in the manufacture of beer or wine and the price charged;
- (5) the services connected with the manufacture of beer or wine included in the sale, and the price charged for those services;
- (6) the start date for the manufacture of beer or wine;

(7) the amount received from the client;

(8) a statement that the beer or wine must be manufactured for personal consumption only and that its sale is prohibited;

(9) a statement that the client is required to take away the beer or wine manufactured as soon as it is bottled.

The permit holder must keep a copy of each invoice for 3 years, and must also keep, for the same period, a register showing the permit holder's purchases of ingredients.

64. The holder of a permit that includes the “domestic manufacture” option, or an employee of the permit holder, may manufacture beer or wine on the premises covered by the permit for personal consumption off the premises.

However, in such a case the permit holder must draw up an invoice in the same way as for a client.

65. The holder of a permit that includes the “domestic manufacture” option may allow a client who has manufactured beer or wine at the place covered by the permit to sample the product provided that

- (1) the sample is provided before bottling;
- (2) the sample is consumed on the premises; and
- (3) the sample is not larger than 100 ml.

66. Several different clients may join together to manufacture beer or wine. The name of each client who is a member of the group must be included on the invoice.

67. The holder of a permit that includes the “domestic manufacture” option may not

(1) manufacture beer or wine at the place covered by the permit for the purpose of sale or exchange;

(2) keep for the purpose of sale or exchange, offer for sale or exchange, or sell or exchange beer or wine at the place covered by the permit;

(3) allow a client to sell or exchange or offer for sale or exchange beer or wine the client has manufactured at the place covered by the permit;

(4) mix or allow a client to mix beer or wine with the beer or wine of another client;

(5) store or allow beer or wine to be stored at the place covered by the permit once the product has been bottled;

(6) bring or allow another person to bring alcoholic beverages to the place covered by the permit in order to add them to beer, wine or the ingredients used to manufacture beer or wine;

(7) remove beer or wine or allow beer or wine to be removed from the place covered by the permit prior to bottling; or

(8) allow the consumption of beer or wine at the place covered by the permit, except for sampling as provided for in section 65.

68. The holder of a permit that includes the “domestic manufacture” option must destroy any unclaimed beer or wine.

69. The domestic manufacture space must be accessible only to the permit holder, the permit holder's employees, clients, and clients' assistants and substitutes.

DIVISION VI MONETARY ADMINISTRATIVE PENALTIES

§1. Determination of amounts (paragraphs 1 to 4 of section 85.1 of the Act)

70. A permit holder who contravenes section 72.1 of the Act due to a quantity not exceeding 4 litres of spirits, 6 litres or wine or 10 litres of beer being found during the same visit is required to pay a monetary administrative penalty of

(1) \$300 if the quantity of alcoholic beverages is

- (a) 1 litre or less of spirits;
- (b) 1 litre or less of wine; or

(c) 1.5 litres or less of beer;

(2) \$500 if the quantity of alcoholic beverages is

- (a) above 1 litre of spirits, but below 2 litres;
- (b) above 1 litre of wine, but below 2 litres; or
- (c) above 1.5 litres of beer, but below 3 litres;

(3) \$1,000 if the quantity of alcoholic beverages is

- (a) above 2 litres of spirits, but below 3 litres;
- (b) above 2 litres or wine, but below 4 litres; or
- (c) above 3 litres of beer, but below 6 litres;

- (4) \$2,000 if the quantity of alcoholic beverages is
- (a) above 3 litres of spirits, but below 4 litres;
 - (b) above 4 litres or wine, but below 6 litres; or
 - (c) above 6 litres of beer, but below 10 litres.

71. A permit holder who keeps or allows to be kept in the establishment 10 or fewer containers of alcoholic beverages containing an insect that are found during the same visit, unless that insect is an ingredient used in making those alcoholic beverages, is required to pay a monetary administrative penalty of

- (1) \$300 if the quantity of containers of alcoholic beverages is 5 or less; and
- (2) \$600 if the quantity of containers of alcoholic beverages is 6 to 10.

72. A permit holder who contravenes the second paragraph of section 79 of the Act by using a liquor permit without having applied for a temporary authorization to use it despite being required to do so is required to pay a monetary administrative penalty of \$500.

73. A permit holder who contravenes section 53 of the Act by failing to pay the duties payable to maintain the permit in force before the anniversary date of its issue is required to pay a monetary administrative penalty of \$200.

§2. *Determination of failures to comply and amounts (paragraph 5 of section 85.1 of the Act)*

74. A permit holder who contravenes section 72.1 of the Act due to a quantity not exceeding 6 litres of cider or of an alcoholic beverage not referred to in section 70 being found during the same visit is required to pay a monetary administrative penalty of

- (1) \$300 if the quantity of alcoholic beverages is 1 litre or less;
- (2) \$500 if the quantity of alcoholic beverages is above 1 litre, but below 2 litres;
- (3) \$1,000 if the quantity of alcoholic beverages is above 2 litres, but below 4 litres; and
- (4) \$2,000 if the quantity of alcoholic beverages is above 4 litres, but below 6 litres.

75. A monetary administrative penalty of \$200 is imposed on

(1) a permit holder who contravenes section 34.1 of the Act, as replaced 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), by carrying on activities at or in the establishment covered by the permit for which an option is required pursuant to the Regulation but who has not been authorized by the board;

(2) a permit holder who contravenes section 66 of the Act

(a) by failing to post the permit in public view at the main entrance of the establishment covered by the permit;

(b) by failing to make a copy of the permit and to keep on in his or her possession when using it elsewhere than in the establishment where it is posted; or

(c) by failing to post a price list of the alcoholic beverages sold in the establishment covered by the permit, if the permit authorizes the sale of alcoholic beverages for consumption on the premises, or of beer, if the permit is a grocery permit;

(3) a holder of a permit authorizing the sale of alcoholic beverages for consumption on the premises who contravenes section 67 of the Act by failing to keep posted, in public view at the entrance to the room or terrace where the permit is used, a notice indicating the amount of the minimum charge giving the right to one drink or an admission fee, if such a minimum charge or right is imposed;

(4) a holder of a bar permit or restaurant permit who contravenes section 68 of the Act by failing to post at the entrance to a room or terrace at the establishment, in public view, a notice indicating the holding of a reception, access to which is restricted to a group of persons;

(5) a permit holder who contravenes section 74.1 of the Act by failing to keep, in the establishment where the permit is used, the detailed floor plan of the rooms or terraces where the activity is authorized, certified by the board pursuant to the second paragraph of section 74 of the Act or the third paragraph of section 84.1 of the Act;

(6) the holder of an accessory permit who contravenes section 11 by failing or omitting to inform the board of a change in the activities carried on in the establishment where the permit is used;

(7) the holder of a permit that includes the “domestic manufacture” option who contravenes section 62 by failing to ensure that a label is affixed to each container used to manufacture beer or wine when manufacturing begins or identify the client using the invoice number;

(8) the holder of a permit that includes the “domestic manufacture” option who contravenes section 63 by failing to give a client an invoice in accordance with that section; and

(9) the holder of a permit that includes the “domestic manufacture” option who contravenes section 65 by failing to comply with the conditions for sampling in accordance with that section.

76. A monetary administrative penalty of \$500 is imposed on

(1) the holder of a grocery permit who contravenes the first paragraph of section 31 of the Act by allowing, in the permit holder’s establishment, the consumption of alcoholic beverages that the permit holder is authorized to sell that is not a free tasting authorized under the second paragraph of that section;

(2) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises who admits simultaneously a number of persons greater than the number determined by the board pursuant to section 46.1 of the Act to a room or terrace of the establishment where the permit is used, provided the number of persons is not more than 25% above the permitted capacity and does not exceed the evacuation capacity;

(3) the holder of a permit with a seasonal period of use who contravenes section 51.1 of the Act by using the permit outside the continuous period it specifies;

(4) a permit holder who contravenes one of sections 28, 59, 60 or 60.0.1 of the Act by using the permit outside the authorized hours of use;

(5) the holder of a bar permit who contravenes section 62 of the Act by admitting a person to the rooms or terraces indicated on the permit outside the hours during which the permit may be used, or by tolerating a person’s remaining there for more than one hour after those hours, unless the person is an employee of the establishment and provided the number of such persons is not greater than 5;

(6) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, other than a bar permit, who contravenes section 63 of the Act by allowing a person to consume alcoholic beverages there more than 30 minutes after the hour at which use of the permit must cease;

(7) a permit holder who contravenes section 70 of the Act by failing to keep supporting documents respecting the permit holder’s purchases of alcoholic beverages;

(8) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises who contravenes section 71 of the Act by failing or omitting to notify the board in writing of the name, address and date of birth of the person responsible for managing the permit holder’s establishment, within 10 days of the beginning of that person’s employment;

(9) a partnership or legal person referred to in section 38 of the Act that, as a permit holder, contravenes section 72 of the Act by neglecting or omitting to notify the board of any relevant information concerning a change in the persons mentioned in section 38, within ten days of the change;

(10) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, other than a reunion permit or an accessory permit, who contravenes section 73 of the Act by allowing, in a room or on a terrace where the permit is used, the presentation of a show or dancing that has not been authorized by the board;

(11) a permit holder who contravenes section 82 of the Act by using the permit in places other than those specified in the permit without authorization from the board;

(12) the holder of a permit authorizing consumption of the premises who contravenes section 84.1 of the Act by changing the layout of a place where the permit is used without authorization from the board;

(13) a permit holder who refuses or neglects to comply with a requirement under section 110 of the Act;

(14) a permit holder who contravenes section 112 of the Act by hindering the activities of a person referred to in section 111 of the Act in the exercise of his or her duties, misleading him or her by concealment or false declarations, refusing to furnish him or her with information or a document he or she is entitled to require or examine under this Act or the regulations, or concealing or destroying a document or property relating to an investigation;

(15) the holder of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises who contravenes section 15 by neglecting or omitting to equip the establishment with a system to provide full lighting throughout the premises in emergencies or when needed;

(16) the holder of a permit covering a lodging facility who contravenes section 22 by failing to comply with the requirements concerning minibars;

(17) the holder of a permit covering a lodging facility who contravenes section 23 by failing to comply with the requirements concerning vending machines for alcoholic beverages; and

(18) the holder of a permit that includes the “domestic manufacture” option who contravenes section 67.

77. A monetary administrative penalty of \$800 is imposed on

(1) the holder of a restaurant permit who contravenes section 27 of the Act by selling alcoholic beverages for take out or delivery that are not sold with food that the permit holder has prepared; and

(2) the holder of a restaurant permit who contravenes section 25 by selling alcoholic beverages to a client admitted to the establishment after food preparation and sales have ceased.

TRANSITIONAL AND FINAL

78. A person who, on 5 August 2021, is the holder of a grocery permit must comply with sections 54 and 55 before 6 August 2022.

79. The Regulation respecting the conditions relating to the issue and use of a “Man and his World” permit and an “Olympic Grounds” permit (chapter P-9.1, r.1), the Regulation respecting certain documents relating to the Act respecting liquor permits (chapter P-9.1, r.2), the Regulation respecting lay-out standards for establishments (chapter P-9.1, r.4) and the Regulation respecting liquor permits (chapter P-9.1, r.5) are replaced by this Regulation.

80. This Regulation comes into force on 5 August 2021.

105188

Gouvernement du Québec

O.C. 1054-2021, 7 July 2021

Act respecting liquor permits
(chapter P-9.1)

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)

Duties and costs payable under the Act respecting liquor permits —Amendment

Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits

WHEREAS 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) was assented to on 12 June 2018;

WHEREAS, under paragraph 4 of section 114 of the Act respecting liquor permits (chapter P-9.1), as amended by 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, the Government may, after consulting the Régie des alcools, des courses et des jeux, make regulations determining the amount of the costs and duties that are payable under the Act or standards permitting to establish such amount and prescribing the terms and conditions of payment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits was published in Part 2 of the *Gazette officielle du Québec* of 17 February 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting duties and costs payable under the Act respecting liquor permits, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif