

NATIONAL ASSEMBLY
Thirty-fourth Legislature, third session

1994, chapter 26
**AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
RELATING TO ALCOHOLIC BEVERAGES AND VIDEO
LOTTERY MACHINES**

Bill 22

Introduced by Mr Robert Middlemiss, Minister of Public Security

Introduced 9 June 1994

Passage in principle 14 June 1994

Passage 17 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994

Acts amended:

Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1)

Act respecting liquor permits (R.S.Q., chapter P-9.1)

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



CHAPTER 26

An Act to amend various legislative provisions relating to alcoholic beverages and video lottery machines

[Assented to 17 June 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

c. I-8.1,
s. 108, am.

1. Section 108 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended by adding, at the end, the following paragraph:

Fine

“However, in the case of an offence under subparagraph 2 of the first paragraph, the fine shall be equal to the aggregate of the amount determined pursuant to the first paragraph and an amount of \$25 per container in respect of which a contravention of that provision was disclosed by the evidence.”

c. I-8.1,
s. 114.1,
added

2. The said Act is amended by inserting, after section 114, the following section:

Fine

114.1 Where a person is convicted of having contravened a provision of any of sections 80 to 83, 89, 91, 92 or 93 and where it is disclosed by the evidence that alcoholic beverages illegally possessed, kept, delivered, transported or sold by the offender are alcoholic beverages that the Corporation does not market or that are not made, bottled or delivered in accordance with a permit issued under the Act respecting the Société des alcools du Québec, the fine shall be equal to the aggregate of the amount determined pursuant to the provision prescribing a sanction for the offence and an amount of \$25 per litre of such alcoholic beverages in the case of beverages other than beer or cider, or an amount of \$3 per litre in the case of beer or cider.”

c. I-8.1,
s. 117, am. **3.** Section 117 of the said Act, amended by section 328 of chapter 61 of the statutes of 1992, is again amended by replacing the words “section 126” in the second line by the words “section 125.1 or 126”.

c. I-8.1,
s. 125.1,
added **4.** The said Act is amended by inserting, before section 126, the following section:

Inspection
of vehicles **“125.1** Every peace officer who has reasonable cause to believe that alcoholic beverages are to be found in a vehicle may require the driver of the vehicle to stop the vehicle and require the driver, owner or person responsible for the vehicle to allow him to examine the identification of the containers of alcoholic beverages being transported and to produce for inspection the bill of lading or way-bill, if any, referred to in the third paragraph of section 94 or in section 95. The driver and, where applicable, the owner or the person responsible for the vehicle must comply with such requirements without delay.

Seizure However, no seizure may be carried out by the peace officer upon stopping a vehicle except in accordance with the provisions of the Code of Penal Procedure (chapter C-25.1).”

c. I-8.1,
s. 149, am. **5.** Section 149 of the said Act is amended by adding, at the end, the following paragraphs:

Certificate **“Where several containers of identical size containing an alcoholic beverage of the same brand are seized at the same time, the prosecutor is bound to supply a certificate of analysis of the beverage seized only in respect of the beverage contained in one of the containers, unless the judge, on application by the defendant, orders the contents of a determined number of such containers to be analysed.**

Notice Prior notice of such application must be given by the defendant to the prosecutor, unless the latter waives prior notice. Article 172 of the Code of Penal Procedure applies to the application.”

ACT RESPECTING LIQUOR PERMITS

c. P-9.1,
s. 111, am. **6.** Section 111 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by inserting the words “, take samples and” after the word “there” in the sixth line.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

c. S-13,
s. 19.1, added

7. The Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended by inserting, after section 19, the following section:

Powers

“19.1 The Corporation may, for the purposes of an agreement entered into with the Government of Canada regarding the collection of the markup set by the Corporation for alcoholic beverages brought into Québec from a place situated outside Canada, authorize any person or category of persons assigned to a customs office situated in Québec to exercise, on behalf of the Corporation, the following powers:

(1) to accept alcoholic beverages covered by the agreement which are transferred to the Corporation by the person who brings them into Québec from a place situated outside Canada;

(2) to collect, in respect of such alcoholic beverages, the markup set by the Corporation;

(3) to sell such alcoholic beverages to the person who transferred them;

(4) to detain, at the place determined by the agreement, such alcoholic beverages until payment of the markup;

(5) to deliver such alcoholic beverages to the Corporation, where the markup is not paid.

Refund

Under the agreement, the Government of Canada may, in particular, be authorized to refund, on behalf of the Corporation, any amount of markup that was overpaid.”

c. S-13, s. 38,
am.

8. Section 38 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Fine

“Where a person is convicted of having carried on an activity authorized by a permit contemplated in section 24 without holding such a permit, and where it is disclosed by the evidence that alcoholic beverages illegally made, bottled, stored, delivered, transported or sold by the offender are alcoholic beverages that the Corporation does not market or that are not made, bottled or delivered in accordance with a permit issued under this Act, the fine shall be equal to the aggregate of the amount determined pursuant to the first paragraph and an amount of \$25 per litre of such alcoholic beverages in the case of beverages other than beer or cider, or an amount of \$3 per litre in the case of beer or cider.”

c. S-13, s. 39, am. **9.** Section 39 of the said Act, amended by section 568 of chapter 61 of the statutes of 1992, is again amended by inserting the figure “, 39.2” after the figure “34” in the second line.

c. S-13, s. 39.2, added **10.** The said Act is amended by inserting, after section 39.1, the following section:

Peace officer **“39.2** Every peace officer who has reasonable cause to believe that alcoholic beverages are to be found in a vehicle may require the driver of the vehicle to stop the vehicle and require the driver, owner or person responsible for the vehicle to allow him to examine the identification of the containers of alcoholic beverages being transported and to produce for inspection the bill of lading or way-bill, if any, referred to in the third paragraph of section 94 or in section 95 of the Act respecting offences relating to alcoholic beverages. The driver and, where applicable, the owner or the person responsible for the vehicle must comply with such requirements without delay.

Exception However, no seizure may be carried out by the peace officer upon stopping a vehicle except in accordance with the provisions of the Code of Penal Procedure (chapter C-25.1).”

c. S-13, s. 55.7, am. **11.** Section 55.7 of the said Act is amended by adding, at the end, the following paragraphs:

Certificate “Where several containers of identical size containing an alcoholic beverage of the same brand are seized at the same time, the prosecutor is bound to supply a certificate of analysis of the beverage seized only in respect of the beverage contained in one of the containers, unless the judge, on application by the defendant, orders the contents of a determined number of such containers to be analysed.

Notice Prior notice of such application must be given by the defendant to the prosecutor, unless the latter waives prior notice. Article 172 of the Code of Penal Procedure applies to the application.”

FINAL PROVISIONS

Duties or fees **12.** Notwithstanding any provision to the contrary and until the date to be fixed by the Government by order, no duties shall be payable for the issue or renewal of a video lottery machine site operator’s licence and no fees shall be payable for the examination of an application for such a licence if the application for issue or renewal is sent to the Régie des alcools, des courses et des jeux before that date.

Presumption

For the purposes of this section, any application for renewal sent to the Régie more than 30 days before the date of expiration of the licence is deemed to have been sent to the Régie 30 days before that date.

Coming into
force

13. This Act comes into force on 17 June 1994.