

NATIONAL ASSEMBLY  
Thirty-fourth Legislature, second session

1993, chapter 71

# AN ACT TO AMEND THE ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX AND VARIOUS ACTS CONCERNING THE ACTIVITIES UNDER ITS SUPERVISION

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## **Bill 132**

Introduced by Mr Claude Ryan, Minister of Public Security

Introduced 11 November 1993

Passage in principle 6 December 1993

Passage 14 December 1993

**Assented to 17 December 1993**

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**Coming into force:** on the date or dates fixed by the Government, except sections 49 and 50, which will come into force on 15 December 1994 and section 59, which will come into force on the date of coming into force of section 608 of the Act respecting the implementation of the reform of the Civil Code

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### **Acts amended:**

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

Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6)

Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)

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)

Act respecting the implementation of the reform of the Civil Code (1992, chapter 57)

Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions (1992, chapter 61)

Act respecting the Régie des alcools, des courses et des jeux and amending various legislative provisions (1993, chapter 39)



## CHAPTER 71

### **An Act to amend the Act respecting the Régie des alcools, des courses et des jeux and various Acts concerning the activities under its supervision**

*[Assented to 17 December 1993]*

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

- 1993, c. 39,  
s. 2, am.      **1.** Section 2 of the Act respecting the Régie des alcools, des courses et des jeux and amending various legislative provisions (1993, chapter 39) is amended by adding, at the end, the words “, and may hold public hearings for that purpose”.
- 1993, c. 39,  
s. 18, am.      **2.** Section 18 of the said Act is amended by striking out the words “, subject to certification of the facsimile by the countersignature of a person authorized by the president” in the third, fourth and fifth lines of the second paragraph.
- 1993, c. 39,  
s. 19, am.      **3.** Section 19 of the said Act is amended by inserting the words “and authorization” after the word “licence” in the fifth line of the first paragraph.
- 1993, c. 39,  
s. 23, am.      **4.** Section 23 of the said Act is amended by adding the words “, subject to section 34.1 of that Act” at the end of paragraphs 5 and 6.
- 1993, c. 39,  
s. 25, am.      **5.** Section 25 of the said Act is amended
- (1) by inserting, in the French text, the word “, immatriculations” after the word “autorisations” in the second line of paragraph 1;

(2) by striking out the words “, subject to the second paragraph of section 34 of the Act respecting lotteries, publicity contests and

amusement machines” in the third, fourth and fifth lines of paragraph 1;

(3) by adding, at the end, the following paragraph:

Applicability

“Subparagraphs 1, 2 and 3 of the first paragraph apply subject to the second paragraph of section 34 of the Act respecting lotteries, publicity contests and amusement machines.”

1993, c. 39,  
s. 26, am.

**6.** Section 26 of the said Act is amended by inserting the words “, in the cases provided for in sections 28 and 29,” after the word “or” in the second line.

1993, c. 39,  
s. 27, am.

**7.** Section 27 of the said Act is amended by inserting the words “the Act respecting lotteries, publicity contests and amusement machines or” after the word “to” in the second line of subparagraph 3 of the first paragraph.

1993, c. 39,  
s. 28, am.

**8.** Section 28 of the said Act is amended

(1) by replacing paragraphs 2 and 3 by the following paragraph:

“(2) cases and applications presented under the Act respecting lotteries, publicity contests and amusement machines or the Act respecting liquor permits, with the exception of those involving public interest or public tranquility and those relating to video lottery licences.”;

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

Revocation

“One commissioner may also ascertain the revocation of a permit, a licence or a registration by operation of law.”

1993, c. 39,  
s. 29, am.

**9.** Section 29 of the said Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) applications presented under the Act respecting lotteries, publicity contests and amusement machines, with the exception of those involving public interest or public tranquility and those relating to video lotteries;”;

(2) by inserting the words “, licence or registration” after the word “permit” in the first line of the second paragraph.

1993, c. 39,  
s. 31, am.

**10.** Section 31 of the said Act is amended by striking out the second paragraph.

1993, c. 39,  
s. 100, am.

**11.** Section 100 of the said Act is amended by inserting the word “, registrations” after the word “authorizations” in the second line of the first paragraph.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

c. I-8.1,  
Div. I,  
heading,  
replaced

**12.** The heading of Division I of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is replaced by the following heading:

“INTERPRETATION AND SCOPE”.

c. I-8.1,  
s. 2, am.

**13.** Section 2 of the said Act, amended by section 13 of chapter 17 of the statutes of 1992 and section 95 of chapter 39 of the statutes of 1993, is again amended

(1) by replacing the words “human being” in the fourth line of paragraph 5 by the words “person, provided that such beverages, liquids or solids contain more than 0.5 % of alcohol by volume”;

(2) by replacing the words “not less than 1 1/2% nor over” in the first line of paragraph 9 by the words “not more than”.

c. I-8.1,  
s. 2.1,  
added

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

Applicability

**“2.1** This Act applies to the Government and to the departments and bodies thereof.”

c. I-8.1,  
s. 89, am.

**15.** Section 89 of the said Act is amended by striking out the words “, provided that in the case of a holder of a permit for the sale of wine and beer or beer only the alcoholic content of the beer sold or delivered does not exceed five per cent by weight” in the first, second, third and fourth lines of paragraph c.

c. I-8.1,  
s. 109, am.

**16.** Section 109 of the said Act is amended

(1) by replacing paragraph 3 by the following paragraph:

“(3) being the holder of a permit for consumption on the premises, sells or serves alcoholic beverages to a person who is obviously in a state of advanced drunkenness, orders or authorizes a person in his employment to do so or tolerates that he do so, or tolerates the consumption of alcoholic beverages by a person who is in that state in the room or on the terrace where the permit may be used;”;

(2) by inserting, after paragraph 4, the following paragraph:

“(4.1) alters the content of the permit he holds;”.

c. I-8.1,  
s. 110, am.

**17.** Section 110 of the said Act is amended by striking out paragraphs 1 and 7.

c. I-8.1,  
s. 114, am.

**18.** Section 114 of the said Act is amended by inserting, after paragraph 3, the following paragraph:

“(4) breaks the seals affixed pursuant to section 127 of this Act, section 90.1 of the Act respecting liquor permits or section 42 of the Act respecting the Société des alcools du Québec,”.

c. I-8.1,  
s. 117.1,  
added

**19.** The said Act is amended by inserting, after section 117, the following section:

Offence and  
penalty

“**117.1** Whosoever assists a person or, by encouragement, advice or consent, or by an authorization or order, induces a person to commit an offence under this Act is guilty of an offence.

Offence and  
penalty

Any person convicted under this section is liable to the same penalty as that prescribed for the offence whose commission he assisted in or induced.”

c. I-8.1,  
s. 127,  
replaced

**20.** Section 127 of the said Act, replaced by section 331 of chapter 61 of the statutes of 1992, is again replaced by the following section:

Custody

“**127.** The Corporation shall have custody of the alcoholic beverages and the receptacles containing them, seized under section 126 or in a search, even if they are submitted in evidence, unless the judge to whom they were submitted decides otherwise.

Storage

The Corporation shall store the things seized or cause them to be stored until the judge disposes of them by judgment. However, if the receptacles in which alcoholic beverages are seized are attached to a building or cannot be easily moved, they may be left on the premises and sealed.”

c. I-8.1,  
ss. 127.1  
and 127.2,  
added

**21.** The said Act is amended by inserting, after section 127, the following sections:

Destruction

“**127.1** On the written authorization of a judge, the Corporation may destroy or eliminate or cause to be destroyed or eliminated the alcoholic beverages seized pursuant to section 126 or in a search.

Notice            Prior notice of at least one clear day of an application for such authorization shall be served, where such persons are known, on the person from whom the beverages were seized and the persons who may have a right to the beverages.

Authoriza-  
tion            The judge may grant the authorization if he is satisfied, on the advice of a chemist, that the alcoholic beverages seized are unfit for human consumption, or if he is satisfied that the alcoholic beverages in question are not alcoholic beverages made, bottled or delivered in accordance with a permit issued under the Act respecting the Société des alcools du Québec and are not alcoholic beverages marketed by the Corporation.

Samples            “**127.2** During the proceedings, the Corporation must preserve samples of the destroyed or eliminated alcoholic beverages in sufficient quantity for the purposes of expert analysis. The Corporation may stop the fermentation of the samples it takes.”

c. I-8.1,  
s. 172, am.            **22.** Section 172 of the said Act, replaced by section 340 of chapter 61 of the statutes of 1992, is amended by inserting, after subparagraph 2 of the first paragraph, the following subparagraphs:

“**(3)** of seized movable property and equipment having served in the illegal sale of alcoholic beverages;

“**(4)** of any amount seized that constitutes the proceeds from the illegal sale of alcoholic beverages.”

c. I-8.1,  
s. 172.1,  
added            **23.** The said Act is amended by inserting, after section 172, the following section:

Disposal            “**172.1** If the person to whom the alcoholic beverages must be handed over is unknown or cannot be found, a judge may, upon application by the Corporation, allow the latter to dispose of the alcoholic beverages.”

c. I-8.1,  
s. 177, am.            **24.** Section 177 of the said Act, amended by section 342 of chapter 61 of the statutes of 1992, is again amended

(1) by striking out the words “, the alcoholic content of which is not more than 5 % by weight” in the third and fourth lines of the first paragraph;

(2) by inserting the words “or where a third person takes legal possession of his property,” after the word “property,” in the third line of the second paragraph;

(3) by inserting the words “or at the time of the taking of possession” after the word “property” in the fifth line of the second paragraph;

(4) by striking out the words “having an alcoholic content of not more than 5 % by weight,” in the second and third lines of subparagraph *a* of the second paragraph.

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

c. L-6, s. 1,  
French  
text, am.

**25.** Section 1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6), amended by section 48 of chapter 39 of the statutes of 1993, is again amended by replacing, in the French text, the word “mentionnées” in the eighth line of subparagraph *a.1* of the first paragraph by the word “mentionnés”.

c. L-6,  
s. 20, am.

**26.** Section 20 of the said Act, amended by section 50 of chapter 39 of the statutes of 1993, is again amended

(1) by inserting the words “, the components, the specifications” after the word “nature” in the first line of subparagraph *e* of the first paragraph;

(2) by replacing subparagraph *i* of the first paragraph by the following subparagraphs:

“(i) the conditions for obtaining prescribed licences and the standards, restrictions or prohibitions relating to the use thereof;

“(i.1) the conditions for obtaining an authorization to hold a publicity contest;”;

(3) by inserting the words “, the length of time for which and the place in which they must be preserved” after the word “contain” in the second line of subparagraph *m* of the first paragraph.

c. L-6,  
s. 20.1, am.

**27.** Section 20.1 of the said Act, enacted by section 51 of chapter 39 of the statutes of 1993, is again amended

(1) by inserting, after subparagraph *d* of the first paragraph, the following subparagraph:

“(d.1) determine the intervals between inspections of a video lottery machine;”;

(2) by inserting the words “, the length of time for which and the place in which they must be preserved” after the word “contain” in the second line of subparagraph *i* of the first paragraph;

(3) by replacing subparagraphs *j* and *k* of the first paragraph by the following subparagraph:

“(j) establish standards, restrictions or prohibitions relating to video lottery promotion, advertising and educational programs, some or all of which may only apply to certain categories of persons;”;

(4) by replacing the letters and word “, *j* and *k*” in the first and second lines of the second paragraph by the letter and word “and *j*”.

c. L-6,  
s. 20.2, am.

**28.** Section 20.2 of the said Act, enacted by section 51 of chapter 39 of the statutes of 1993, is amended

(1) by inserting the words “the first paragraph of” after the word “which” in the second line of subparagraph *b* of the first paragraph;

(2) by replacing the words “promotion, advertising and lodging and transportation packages” in the first and second lines of subparagraph *d* of the first paragraph by the words “promotion, advertising, educational programs and lodging and transportation packages, some or all of which may only apply to certain categories of persons”;

(3) by striking out subparagraph *e* of the first paragraph;

(4) by replacing the word “the” in the second line of the second paragraph by the words “lottery schemes or”;

(5) by striking out the letter “, *e*” in the third line of the second paragraph.

c. L-6,  
s. 34, am.

**29.** Section 34 of the said Act, amended by section 53 of chapter 39 of the statutes of 1993, is again amended

(1) by replacing the words “of the prescribed duties to the board” in the fourth line of the first paragraph by the words “to the board of the prescribed duties and the prescribed examination fees”;

(2) by inserting the words “, suspending and revoking” after the word “issuing” in the sixth line of the second paragraph;

(3) by replacing the word “The” in the seventh line of the second paragraph by the words “In that case, the local body has exclusive jurisdiction to hear and decide any dispute contemplated in paragraph 2 or 3 of section 25 of the Act respecting the Régie des alcools, des courses et des jeux and amending various legislative provisions that relates to any bingo game for which it issued a licence. With respect



to any matter submitted to them, the local body, the members thereof and the members of the staff thereof have the same powers, privileges and obligations as the board, the members thereof and the members of the staff thereof. In addition, the”;

(4) by inserting the words “and fees” after the word “duties” in the eighth line of the second paragraph.

c. L-6,  
s. 34.1, am.

**30.** Section 34.1 of the said Act is amended

(1) by inserting the words “and the regulatory instruments thereunder” after the word “Act” in the first line;

(2) by adding, at the end of the first paragraph, the following words: “, and to the advertising concerning it and the protection and safety of the public at the time of the activity”;

(3) by adding, at the end, the following paragraph:

Powers

“In that case, the powers conferred on the board by Division I of Chapter V to ascertain compliance with this Act are exercised by the local body.”

c. L-6,  
ss. 47, 48,  
49, am.

**31.** Sections 47, 48 and 49 of the said Act are amended by inserting the words “or renewal” after the word “issue”.

c. L-6,  
ss. 49.1-  
49.5, added

**32.** The said Act is amended by inserting, after section 49, the following sections:

Renewal

**“49.1** An amusement machine or video lottery machine licence may be renewed for a period of one year, provided that

(1) the prescribed duties are paid at least 30 days before the expiry date of the licence, subject to the prescribed terms and conditions of payment;

(2) the licence holder complied with the provisions of this Act and the regulatory instruments thereunder during the period of validity that is ending;

(3) the licence holder fulfils the other conditions for obtaining the licence, and provides any relevant document or information the board may require.

Non-  
compliance

The licence holder may not invoke the fact that the notice provided for in section 49.2 was not sent, or an error in the content thereof, to justify non-compliance with the condition prescribed in subparagraph 1 of the first paragraph. However, if he proves to the

board that it was impossible for him to comply with the time limit, he may pay the prescribed duties at any time up to the date of expiry of the licence.

Notice        **“49.2** At least 60 days before the expiry date of an amusement machine or video lottery licence, the board shall give notice to the licence holder informing him of the expiry date of the licence, of the amount of duties payable and of the date on which the duties must be paid for renewal.

Notice        Where the amount of such duties is altered by regulation before the expiry date of the licence, a new notice shall be sent to the licence holder informing him of the change in the amount of the duties, and, if necessary, extending the time limit for payment of the duties.

Licence        **“49.3** Where the board has received the renewal duties for a licence within the time limit, the licence remains valid, notwithstanding the expiry thereof, until the decision of the board concerning the renewal.

Renewal        Where the licence is renewed, the renewal has effect from the expiry date originally prescribed.

Revocation    **“49.4** The board may revoke a licence at the request of its holder, after examining the record, provided it has no serious grounds to believe that there is a basis for revoking it otherwise.

Revocation    Voluntary revocation of a licence valid for six months or more entitles the holder to the reimbursement of the duties paid in proportion to the number of days during which the licence will not be used by reason of the revocation.

Revocation    **“49.5** Where duties are payable in several instalments, failure to meet an instalment deadline results in the revocation by operation of law of the licence.

Revocation    However, revocation does not occur if, before the board registers the revocation by operation of law, the holder proves to the board that it was impossible for him to meet the deadline and pays the prescribed duties and additional fees.”

c. L-6,  
s. 50, am.        **33.** Section 50 of the said Act is amended

(1) by replacing the words “a licence, or” in the second line of the first paragraph by the word “, renew,”;

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

Refusal            “It may refuse to issue or renew the licence if it considers that the use of the licence is likely to disturb public tranquility.

Suspension  
or revoca-  
tion            It may suspend or revoke a licence if

- (1) the licence was obtained following false representations;
- (2) the holder no longer fulfils the conditions for obtaining the licence;
- (3) the holder uses the licence in such a way that public tranquility is disturbed;
- (4) the holder refuses or neglects to comply with a request or an order of the board.”;

(3) by replacing, in the French text, the words “détenteur de licence” in the first line of the second paragraph by the word “titulaire”.

c. L-6,  
s. 50.1,  
added            **34.** The said Act is amended by inserting, after section 50, the following section:

Functions  
and powers        **“50.1** The board, in the performance of its functions and the exercise of its powers as regards public tranquility, may, among other factors, take into account:

(1) any noise, gathering or assembly that results or may result from an activity for which a licence is required and that may disturb the peace in the neighbourhood;

(2) the place where the licence is used and, in particular, whether the sector concerned is a residential, commercial, industrial or tourist sector;

(3) the measures taken by the applicant or licence holder for, and their efficiency in, preventing, on the premises where the licence is used,

(a) the possession, consumption, sale, exchange or gift, in whatever manner, of a drug, narcotic or any other substance that may be held to be a drug or narcotic;

(b) the possession of a firearm or any other offensive weapon;

(c) gestures or actions of a sexual nature that may disturb the peace and related solicitation;

(d) usurious loans or pawnbroking, or acts of violence, including theft or mischief, that may disturb the peace of the customers or the residents of the neighbourhood;

(e) games of chance or any betting or wagering not authorized by the licence that may disturb the peace;

(f) any contravention of an Act or a regulation concerning safety, hygiene or sanitation in a public place or public building.”

c. L-6,  
s. 52.12,  
am.

**35.** Section 52.12 of the said Act, enacted by section 56 of chapter 39 of the statutes of 1993, is amended by striking out the second paragraph.

c. L-6,  
s. 52.15,  
am.

**36.** Section 52.15 of the said Act, enacted by section 58 of chapter 39 of the statutes of 1993, is amended

(1) by replacing the words “lottery schemes that it operates in a State casino, except those that are not governed by this Act,” in the fifth and sixth lines of the first paragraph by the words “casino lottery schemes that it operates in a State casino”;

(2) by replacing the second paragraph by the following paragraph:

Video  
lottery  
machines

“The same obligation applies, as the case may be, to the Société or to the licence holders as regards video lottery machines operated elsewhere than in a State casino, before such machines are registered, and subsequently at the intervals determined by the rules of the board or when requested by the board.”

c. L-6,  
s. 54.1,  
added

**37.** The said Act is amended by inserting, after section 54, the following section:

Refusal

**“54.1** The board may refuse to register a machine, refuse to renew the registration thereof or suspend or revoke the registration thereof if

(1) the nature, components, specifications or mode of operation prescribed in the rules are not complied with;

(2) the machine is used or operated for purposes other than the purposes for which it must be registered.”

c. L-6,  
s. 55, am.

**38.** Section 55 of the said Act, amended by section 60 of chapter 39 of the statutes of 1993, is again amended by replacing the figure “, 50” in the first line by the word and figure “to 50.1”.

c. L-6,  
ss. 57.1-  
57.3, added

**39.** The said Act is amended by inserting, before section 58, the following sections:

Authoriza-  
tion

**“57.1** No publicity contest may be held unless the board issues an authorization to the person for whom the contest is carried on, upon payment of the prescribed duties and examination fees, in the manner and at the time prescribed.

Authoriza-  
tion

**“57.2** The person for whom a publicity contest is carried on must indicate on every document relating to the contest the authorization number assigned by the board.

Refusal

**“57.3** The board may refuse to issue an authorization for a publicity contest or revoke such an authorization if

- (1) the public interest so requires;
- (2) the contest advertising leads contestants to believe, falsely,
  - (a) that they have won a prize;
  - (b) that they enjoy an advantage over other participants; or
  - (c) that they have won a prize whereas they have won only a part or a component of such a prize;
- (3) the person for whom the contest is carried on does not provide all relevant information or document required by the board, or refuses or neglects to comply with a request or order of the board;
- (4) the person for whom the contest is carried on fails to comply with any of the provisions of this Act or the rules.

Revocation

The board may, in addition, revoke its authorization if it is obtained following false representations.”

c. L-6,  
s. 58, am.

**40.** Section 58 of the said Act is amended by replacing the words “as he sends the form provided for in section 59” in the third and fourth lines by the words “as the duties provided for in section 57.1”.

c. L-6,  
s. 59,  
repealed

**41.** Section 59 of the said Act is repealed.

c. L-6,  
s. 61, am.

**42.** Section 61 of the said Act is amended by inserting the word “offered” after the word “prize” in the first line.

c. L-6,  
s. 68, am.

**43.** Section 68 of the said Act, amended by section 61 of chapter 39 of the statutes of 1993, is again amended by replacing the word “registration” in the first paragraph by the words “an authorization”.

c. L-6,  
s. 81, am.

**44.** Section 81 of the said Act, amended by section 608 of chapter 57 of the statutes of 1992, is again amended by inserting the words “by the board or by the laboratory referred to in section 52.15” after the word “act” in the first line of the first paragraph.

c. L-6,  
s. 82, am.

**45.** Section 82 of the said Act is amended by inserting the words “by the board” after the word “act” in the first line of the first paragraph.

c. L-6,  
s. 119, am.

**46.** Section 119 of the said Act, amended by section 70 of chapter 39 of the statutes of 1993, is again amended

(1) by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) determine the amount of duties for the issue or renewal of a licence or the obtaining of an authorization, the fees for the examination of an application for a licence or authorization and the terms and conditions of payment of duties and fees, which may vary according to the category of licence or authorization and, in the case of a licence relating to video lotteries, to the number of machines authorized by the licence;”;

(2) by inserting the word “minimum” before the word “rate” in the first line of subparagraph *g* of the first paragraph.

c. L-6,  
s. 136, am.

**47.** Section 136 of the said Act is amended by replacing the words “or confiscated by the board” in the first line of the first paragraph by the words “by the board or by the laboratory referred to in section 52.15 or confiscated”.

#### ACT RESPECTING THE MINISTÈRE DU REVENU

c. M-31,  
s. 1, am.

**48.** Section 1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by striking out the words “Division III of Chapter V of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6),” in the second, third and fourth lines of paragraph *a*.

#### ACT RESPECTING LIQUOR PERMITS

c. P-9.1,  
s. 62, am.

**49.** Section 62 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by striking out the words “authorizing alcoholic beverages to be sold or served for consumption on the premises” in the second and third lines.

c. P-9.1,  
s. 63, am. **50.** Section 63 of the said Act is amended by adding, at the end, the following paragraph:

Exception “Nor does section 62 apply to an establishment where a grocery or cider seller’s permit is used if a device prevents, from the time the permit must cease to be used, access to the place where the alcoholic beverages are kept.”

c. P-9.1,  
s. 94.1, am. **51.** Section 94.1 of the said Act, amended by section 22 of chapter 51 of the statutes of 1991, is again amended by replacing the words “complete months” in the fourth line by the word “days”.

c. P-9.1,  
s. 114, am. **52.** Section 114 of the said Act, amended by section 84 of chapter 39 of the statutes of 1993, is again amended by inserting, after paragraph 13, the following paragraph:

“(13.1) so as not to encourage the irresponsible consumption thereof, determining the minimum retail price of beer, which may vary according to the category of permit or apply only to certain of such categories;”.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

c. S-13,  
s. 42,  
replaced **53.** Section 42 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13), replaced by section 571 of chapter 61 of the statutes of 1992, is again replaced by the following section:

Custody “**42.** The Corporation shall have custody of the alcoholic beverages and the receptacles containing them, seized under section 41 or in a search, even if they are submitted in evidence, unless the judge to whom they were submitted decides otherwise.”

Storage The Corporation shall store the things seized or cause them to be stored, until a judge disposes of them by judgment. However, if the receptacles in which alcoholic beverages are seized are attached to a building or cannot be easily moved, the receptacles may be left on the premises and sealed.”

c. S-13,  
ss. 42.1 and  
42.2, added **54.** The said Act is amended by inserting, after section 42, the following sections:

Destruction “**42.1** On the written authorization of a judge, the Corporation may destroy or eliminate or cause to be destroyed or eliminated the alcoholic beverages seized under section 41 or in a search.

Notice Prior notice of at least one clear day of an application for such authorization shall be served, where such persons are known, on the

person from whom the beverages were seized and the persons who may have a right to the beverages.

Authoriza-  
tion

The judge grants the authorization if he is satisfied, on the advice of a chemist, that the alcoholic beverages seized are unfit for human consumption, or if he is satisfied that the alcoholic beverages in question are not alcoholic beverages made, bottled or delivered in accordance with a permit issued under this Act and are not alcoholic beverages marketed by the Corporation.

Sample

**“42.2** During the proceedings, the Corporation must preserve a sample of the destroyed or eliminated alcoholic beverages in sufficient quantity for the purposes of expert analysis. The Corporation may stop the fermentation of the samples it takes.”

c. S-13,  
s. 47, am.

**55.** Section 47 of the said Act, replaced by section 575 of chapter 61 of the statutes of 1992, is amended by inserting, after subparagraph 2 of the first paragraph, the following subparagraphs:

“(3) of seized movable property and equipment having served in the illegal manufacture or sale of alcoholic beverages;

“(4) of any amount seized that constitutes the proceeds from the illegal sale of alcoholic beverages.”

c. S-13,  
s. 47.1,  
added

**56.** The said Act is amended by inserting, after section 47, the following section:

Disposal

**“47.1** If the person to whom the alcoholic beverages must be handed over is unknown or cannot be found, a judge may, upon application by the Corporation, allow the latter to dispose of the alcoholic beverages.”

c. S-13,  
s. 50, am.

**57.** Section 50 of the said Act is amended by striking out the words “the alcoholic content of which is not more than 5 % by weight,” in the second and third lines.

c. S-13,  
s. 51, am.

**58.** Section 51 of the said Act is amended

(1) by replacing the word “When” in the first line by the word “Where” and by inserting the words “or where a third person takes legal possession of his property,” after the word “property,” in the third line;

(2) by inserting the words “or the time of the taking of possession” after the word “property” in the fifth line;



(3) by striking out the words “having an alcoholic content of not more than five per cent by weight” in the second and third lines of paragraph *a*.

ACT RESPECTING THE IMPLEMENTATION OF THE REFORM OF THE CIVIL CODE

1992, c. 57,  
s. 608, am.

**59.** Section 608 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57) is amended by replacing the words “licence holder’s” in the second line of the paragraph it introduces by the word “debtor’s”.

ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE CODE OF PENAL PROCEDURE AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

1992, c. 61,  
ss. 331  
and 571,  
repealed

**60.** Sections 331 and 571 of the Act respecting the implementation of certain provisions of the Code of Penal Procedure and amending various legislative provisions (1992, chapter 61) are repealed.

FINAL PROVISIONS

Effect

**61.** Section 11 has effect from 14 July 1993.

Coming into  
force

**62.** The provisions of this Act will come into force on the date or dates fixed by the Government, except sections 49 and 50, which will come into force on 15 December 1994 and section 59, which will come into force on the date of coming into force of section 608 of the Act respecting the implementation of the reform of the Civil Code.