



NATIONAL ASSEMBLY

THIRD SESSION

THIRTY-FOURTH LEGISLATURE

Bill 22

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

Introduction



**Introduced by
Mr Robert Middlemiss
Minister of Public Security**

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EXPLANATORY NOTES

This bill gives effect to the measures contained in the Budget Speech delivered by the Minister of Finance on 12 May 1994 concerning amendments to be made in matters relating to alcoholic beverages and video lottery machines.

To this end, the bill changes the amount of certain fines for offences related to alcoholic beverages. The bill also defines the powers of peace officers where the latter have reasonable grounds to believe that alcoholic beverages may be found in a vehicle and the powers of persons carrying out inspections under the Act respecting liquor permits. In addition, the bill amends the rules governing the production of certificates of analysis of alcoholic beverages and introduces a provision concerning the collection of the markup set by the Société des alcools du Québec for certain alcoholic beverages. Finally, the bill includes a provision concerning certain duties and fees in respect of a video lottery machine site operator's licence.

ACTS AMENDED BY THIS BILL:

- 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).

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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:

“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.”

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

“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.”

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”.

4. The said Act is amended by inserting, before section 126, the following section:

“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 second 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.

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).”

5. Section 149 of the said Act is amended by adding, at the end, the following paragraphs:

“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.

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

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

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:

“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.

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."

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

"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."

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.

10. The said Act is amended by inserting, after section 39.1, the following section:

“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 second 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.

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).”

11. Section 55.7 of the said Act is amended by adding, at the end, the following paragraphs:

“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.

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

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.

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.

13. This Act comes into force on (*insert here the date of assent to this Act*).