



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 6

**An Act to amend the Act respecting
the Société des alcools du Québec
and other legislation**

Introduction

**Introduced by
Mr Gérald Tremblay
Minister of Industry, Trade and Technology**

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EXPLANATORY NOTES

The object of this bill amending the Act respecting the Société des alcools du Québec is to create a beer distributor's permit. The permit will authorize the holder to sell and deliver beer and alcoholic beverages made of beer and other non-alcoholic substances that are produced by the holder or a corporation related to the holder and purchased from the Société des alcools du Québec. The bill also provides that the holder of a brewer's permit will be authorized to carry on any operation authorized under a beer distributor's permit.

In addition, this bill grants the Government certain powers regarding the issue of beer distributor's permits and the suspension of the effects of such permits and regarding brewer's permits to the extent that they pertain to operations authorized under a beer distributor's permit.

In another connection, the bill specifies that the Société des alcools du Québec will be permitted to market a brand of beer or alcoholic beverage made with beer and other non-alcoholic substances in Québec, but only as the exclusive marketer of the product.

Finally, the bill makes concordance amendments to various legislative provisions.

ACTS AMENDED BY THIS BILL:

- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1)
- Licenses Act (R.S.Q., chapter L-3)
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13)
- Act respecting the Québec sales tax and amending various fiscal legislation (1991, chapter 67)

Bill 6

An Act to amend the Act respecting the Société des alcools du Québec and other legislation

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 17 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13) is amended by adding, at the end, the following paragraph:

“However, subject to section 23, the Corporation may market a product of a given brand referred to in subparagraphs 1 and 2 of the first paragraph of section 25 or in section 25.1 but only as the exclusive marketer of the product in Québec.”

2. Section 24 of the said Act is amended

(1) by inserting, after the word “making” in the second line of the first paragraph, the words “or distribution”;

(2) by replacing the word “four” in the fourth line of the first paragraph by the word “five”;

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

“(1.1) a beer distributor’s permit;”

3. Section 25 of the said Act is amended

(1) by inserting, after the word “but” in the second line of subparagraph 1 of the second paragraph, the words “the Corporation or”;

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

“Moreover, a brewer’s permit authorizes the holder to carry on any operation authorized under a beer distributor’s permit.”

4. The said Act is amended by inserting, after section 25, the following section:

“25.1 A beer distributor’s permit authorizes the holder to sell and deliver beer and alcoholic beverages referred to in subparagraph 2 of the first paragraph of section 25 that were made by the holder or by a corporation related to the holder and purchased from the Corporation.

Unless he ships them out of Québec, no holder of such a permit may sell or deliver such beer or alcoholic beverages to anyone but the holder of a permit authorized to sell such beer and alcoholic beverages under the Act respecting liquor permits or, for the purposes of section 23, the Corporation.

For the purposes of this section, a particular corporation is related to another corporation where the particular corporation is a subsidiary of the other corporation, where the other corporation is a subsidiary of the particular corporation or where both corporations are subsidiaries of a third corporation and a subsidiary is a corporation 95 % or more of the shares of the capital stock of which, including over 50 % of voting shares of all classes, are owned by another corporation.”

5. Section 29 of the said Act is amended

(1) by replacing the words “or bottles” in the second line of the first paragraph by the words “, bottles or distributes”;

(2) by inserting, after the word “brewer’s” in the fourth line of the first paragraph, the words “, beer distributor’s”;

(3) by inserting, after the word “brewer’s” in the seventh line of the first paragraph, the words “, beer distributor’s”;

(4) by adding, at the end of the second paragraph, the following sentence: “Neither is such a permit required of the holder of a beer distributor’s permit where all the products he is authorized to sell and deliver are kept in his establishment or its dependencies and where he has but one establishment in Québec.”

6. Section 30 of the said Act, amended by section 30 of chapter 51 of the statutes of 1991, is again amended

(1) by inserting, after subparagraph 3 of the first paragraph, the following subparagraph:

“(3.1) has an establishment in Québec;”;

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

“The Government shall determine, in respect of a product or class of products it designates, the date from which a beer distributor’s permit may be issued by the Régie and the third paragraph of section 25 may take effect.”

7. The said Act is amended by inserting, after section 35.3, the following section:

“**35.4** Notwithstanding sections 35 to 35.3, the Government may, in respect of a product or class of products it designates, suspend the effects of every beer distributor’s permit as well as the effects of every brewer’s permit which derive from the third paragraph of section 25.”

8. Section 38.1 of the said Act is amended by striking out the words “he makes, bottles or stores” in the third line.

9. The said Act is amended by inserting, after section 38.1, the following section:

“**38.2** Every person who, being authorized otherwise than by virtue of this Act, the Act respecting liquor permits or the Act respecting offences relating to alcoholic beverages to make, bottle, sell, deliver or store alcoholic beverages, sells or attempts to sell alcoholic beverages, by himself or through another person, to anybody but the Corporation or a person authorized under this Act to buy directly from him is guilty of an offence and liable to a fine in the amount of \$25 000.”

10. Section 61 of the said Act is amended by replacing the words and figures “sections 30 to 36.3 and sections” in the second and third lines by the words and figures “the first, second and third paragraphs of section 30 and sections 30.1 to 35.3, 36 to 36.3 and”.

11. Section 2 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended by adding, at the end of paragraph 4, the words “as well as the beverages referred to in subparagraph 2 of the first paragraph of section 25 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13).”

12. Section 82.1 of the said Act is amended

(1) by inserting, after the word “brewer’s” in the second line of subparagraph 3 of the first paragraph, the words “or beer distributor’s”;

(2) by inserting, after the word “brewer’s” in the fourth line of subparagraph 3 of the first paragraph, the words “or beer distributor’s”.

13. Section 92 of the said Act is amended by inserting, after the word “brewer’s” in the second line of paragraph *c*, the words “or beer distributor’s”.

14. Section 93 of the said Act is amended

(1) by replacing the words “maker’s establishment” in the first line of subparagraph *a* of the first paragraph by the words “establishment of the maker or the holder of a beer distributor’s permit issued under the Act respecting the Société des alcools du Québec”;

(2) by inserting, after subparagraph *a* of the first paragraph, the following subparagraphs:

“(a.1) directly from the maker’s establishment or warehouse to a store or warehouse of the Corporation or to any place designated by the Corporation;

“(a.2) for the purposes of section 23 of the Act respecting the Société des alcools du Québec, directly from the establishment or warehouse of the holder of a beer distributor’s permit issued under the said Act to a store or warehouse of the Corporation or to any place designated by the Corporation;”;

(3) by inserting, after the word “section” in the first line of the third paragraph, the words “, unless the context indicates otherwise,”;

(4) by inserting, after the word “maker” in the first line of the third paragraph, the words “or the holder of a beer distributor’s permit”.

15. Section 79.10 of the Licenses Act (R.S.Q., chapter L-3), amended by section 38 of chapter 60 of the statutes of 1990, is again amended by inserting, after the words “brewer’s permit” in the first line of subparagraph ii of paragraph *b*, the words “, a beer distributor’s permit”.

16. Section 496 of the Act respecting the Québec sales tax and amending various fiscal legislation (1991, chapter 67) is amended by inserting, after the words “brewer’s permit,” in the first line of subparagraph 3 of the second paragraph, the words “a beer distributor’s permit,”.

17. The provisions of this Act will come into force on the date or dates fixed by the Government.