



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 144

An Act to amend the Act respecting liquor permits

Introduction

**Introduced by
Mr Claude Ryan
Minister of Public Security**



**Québec Official Publisher
1991**

EXPLANATORY NOTE

This bill amends the Act respecting liquor permits to specify certain factors that may be taken into account by the Régie des permis d'alcool du Québec in exercising its functions and powers in cases involving public tranquility. Accordingly, the bill abolishes the regulatory power of the Régie in this regard, validates certain decisions rendered by the Régie in cases involving public tranquility and contains a transitional provision concerning pending applications and cases.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by inserting, at the beginning of Chapter III, the following division:

“DIVISION 0.1

“PRELIMINARY PROVISION

“24.1 The Régie, in the performance of its functions and the exercise of its powers in cases involving public tranquility, may, among other factors, take into account:

(1) any noise, gathering or assembly which results or may result from the operation of the establishment that may disturb the peace in the neighbourhood;

(2) the measures taken by the applicant or permit holder for, and their efficiency in, preventing, in the establishment,

(a) the possession, consumption, sale, exchange or gift, in any 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) acts of violence, including theft or mischief, that may disturb the peace of the customers or the citizens of the neighbourhood;

(e) games of chance or any wager or betting that may disturb the peace;

(f) any contravention of this Act or the regulations thereunder or of the Act respecting offences relating to alcoholic beverages;

(g) any contravention of any Act or a regulation concerning safety, hygiene or sanitation in a public place or public building;

(3) the place where the establishment is situated and, in particular, whether the sector concerned is a residential, commercial, industrial or tourist sector.”

2. Section 41 of the said Act is amended by replacing the word “will” in the second line of paragraph 1 by the word “may”.

3. Section 114 of the said Act is amended by striking out paragraph 8.

4. The decisions rendered by the Régie des permis d'alcool du Québec before (*insert here the date of assent to this Act*) in cases involving public tranquility are hereby declared valid to the extent that the invalidity of the decisions arises from an assessment of public tranquility in the absence of regulations under paragraph 8 of section 114 of the Act respecting liquor permits.

The same applies to permits and authorizations issued, if any, in consequence of such decisions.

5. The Act respecting liquor permits, as amended by this Act, applies to every application or case pending before the Régie des permis d'alcool du Québec and also with respect to any event having occurred before (*insert here the date of assent to this Act*).

6. The provisions of this Act come into force on (*insert here the date of assent to this Act*).