



NATIONAL ASSEMBLY

FOURTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 87

An Act respecting beer and soft drinks distributor's permits

Introduction

**Introduced by
Mr Rodrigue Biron
Minister of Industry, Commerce and Tourism**



**Québec Official Publisher
1984**

EXPLANATORY NOTES

This bill introduces a system of permits governing the marketing of beer and soft drinks distributed in non-returnable containers.

The permits will be issued by the Minister of Industry, Commerce and Tourism to every applicant who will have entered into an agreement with the Minister of the Environment concerning the consignment, recovery and recycling of the containers.

Further, the bill empowers the Government to establish, by regulation, the main lines of the agreements in respect of the channels of distribution, sale, transport and delivery of beer or soft drinks.

In addition, the bill provides penalties for anyone marketing beer or soft drinks in non-returnable containers without being the holder of a permit to that effect, and for anyone failing to observe his agreement with the Minister of the Environment.

Finally, this bill amends the Licenses Act for concordance.

Bill 87

An Act respecting beer and soft drinks distributor's permits

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. In this Act,

“**beer**” means the beverage obtained by the alcoholic fermentation in drinking water of an infusion or decoction of barley malt, hops or any other similar product;

“**soft drink**” means aerated water to which an essence or syrup has been added;

“**permit**” means a permit prescribed by section 2 of this Act.

2. Except in the case of a retail sale or a delivery made following such sale, no person may sell or deliver beer or soft drinks in non-returnable containers unless he holds a permit issued for that purpose by the Minister of Industry, Commerce and Tourism.

3. No permit may be issued unless the applicant is party to an agreement in conformity with the prescriptions of the regulations made under this Act, entered into with the Minister of the Environment.

4. The Minister of Industry, Commerce and Tourism, on such conditions as he may determine, may revoke or suspend any permit if its holder refuses or neglects to respect the terms of the agreement he has entered into with the Minister of the Environment, or if he ceases to be a party to the agreement.

5. The Government may make regulations

(1) prescribing the duration and the modalities of issue and renewal of permits;

(2) exempting carriers acting on behalf of permit holders from the requirement of holding a permit themselves, and prescribing the modalities and conditions of such exemptions;

(3) determining the principles and restrictions that must be applied under the agreement contemplated in section 3 in respect of the channels of distribution, sale, transport and delivery of beer or soft drinks in non-returnable containers and the use of such containers.

6. Every person who contravenes the provisions of section 2 is guilty of an offence and liable, on summary proceedings, to a fine

(1) of not less than \$600 nor more than \$30 000 for a first offence;

(2) of not less than \$1 200 nor more than \$60 000 for any subsequent offence.

Similarly, every person who refuses or neglects to respect the terms of an agreement contemplated in section 3 that he has entered into with the Minister of the Environment is guilty of an offence and liable to the penalties described in the first paragraph.

7. Where an offence described in section 6 continues for more than one day, it constitutes a separate offence for each day during which it continues.

8. No right of action before a court of civil jurisdiction may be suspended on the ground that it puts in question an act or omission that is an offence within the meaning of this Act.

9. The Licenses Act (R.S.Q., chapter L-3) is amended by striking out Division IV.1, comprising sections 79.1 to 79.9.

10. The Minister of Industry, Commerce and Tourism is responsible for the administration of this Act.

11. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

12. This Act comes into force on the date fixed by proclamation of the Government, except the provisions excluded by the proclamation, which will come into force on any later date fixed by proclamation of the Government.