



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 174
(2001, chapter 77)

**An Act to amend the Act respecting
the Régie des alcools, des courses
et des jeux and other legislative
provisions**

**Introduced 13 December 2000
Passage in principle 7 June 2001
Passage 19 December 2001
Assented to 20 December 2001**

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EXPLANATORY NOTES

The purpose of this bill is to amend the Act respecting the Régie des alcools, des courses et des jeux to give legislative effect to changes made to the procedure and to the functions exercised by the board when acting in its quasi-judicial capacity.

The Act respecting offences relating to alcoholic beverages is amended to remove certain restrictions imposed on permit holders as regards the payment of alcoholic beverages.

The Act respecting lotteries, publicity contests and amusement machines is amended to give the Régie des alcools, des courses et des jeux additional regulatory powers with respect to video lottery machines.

Lastly, the cost of a distiller's permit is reduced to give effect to a measure announced in the Budget Speech of 14 March 2000.

LEGISLATION AMENDED BY THIS BILL :

- 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 liquor permits (R.S.Q., chapter P-9.1);
- Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1).

Bill 174

AN ACT TO AMEND THE ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET
DES JEUX

1. Section 32.1 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1), amended by section 5 of chapter 20 of the statutes of 1999, is replaced by the following sections :

“32.1. Before refusing to renew, suspending, cancelling or revoking a permit, licence, authorization or registration, imposing conditions for its use, confiscating security or making an order, the board shall, unless otherwise provided by law, summon the person concerned to appear at a hearing. To that end, the board shall send a notice of hearing to the person concerned, setting out the reasons for the summons and the possible consequences provided by law. A copy of the relevant documents upon which the notice is based must be attached to the notice. In addition, the board must grant the person at least 20 days before the hearing is held or, if the person decides not to exercise the right to be heard, to present observations in writing.

The notice shall state, in addition to the date, time and place of the hearing, that the person has the right to be represented by an advocate and that the board has the authority to proceed without further delay or notice, despite a failure to appear at the time and place fixed for the hearing or to present observations, if no valid excuse is provided.

For the purposes of this section, a commissioner is not authorized to act within the scope of an inquiry or the decision to call the person concerned to a hearing.

“32.1.1. For the purposes of section 32.1, the board may, in urgent circumstances and where the continuance of the activities concerned may endanger human life or health or cause serious or irreparable property damage, shorten the notice of hearing. In addition, the board may use any means other than that provided for in section 32.1 to inform the person concerned of the reasons for the summons and of the possible consequences provided by law. In that case, a copy of the notice of hearing and of the relevant documents on which it is based must be produced before or during the hearing.”

2. Section 37 of the said Act is amended by replacing “the second paragraph of section 32.1” in the first and second lines of the third paragraph by “section 32.1.1”.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

3. Section 108 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended by striking out subparagraph 4 of the first paragraph.

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

4. Section 20.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by inserting the following paragraph after the second paragraph :

“The board may, on establishing rules under this section, exempt all the licence holders of the category governed by those rules from the application of all or some of such rules, on the conditions and for the period it determines.”

ACT RESPECTING LIQUOR PERMITS

5. Section 77 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is repealed.

6. The duties payable for a distiller’s permit upon a first application therefor or the transfer thereof and annually thereafter, where the holder’s anticipated or actual annual volume of worldwide sales is equal to or less than 3,000 hectolitres, corresponds to half of the duties prescribed by the Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec made by Order in Council 343-96 (1996, G.O. 2, 1695) until the coming into force of an amendment thereto to that effect.

7. Section 6 has effect from 1 April 2000.

8. This Act comes into force on 20 December 2001.