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c. I-1, r. 4.1

Regulation respecting identified containers

Retail Sales Tax Act

(R.S.Q., c. I-1, s. 31, 2nd par.)

DIVISION I

SCOPE AND INTERPRETATION

1. The classes of beverages to which this Regulation applies are, firstly, beer and, secondly, alcoholic beverages.

O.C. 740-91, s. 1.

2. For the purposes of this Regulation:

(a) «beer» means beer within the meaning assigned to that term by section 2 of the Act respecting offences relating to alcoholic beverages (R.S.Q., c. I-8.1), but does not include porter;

(b) «alcoholic beverage» means alcohol, cider, spirits or wine, other than wine on tap, within the meaning assigned to those terms by section 2 of the Act respecting offences relating to alcoholic beverages (R.S.Q., c. I-8.1);

(c) «brewer» means a person who holds or is required to hold a brewer's permit or a small-scale production permit issued under the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13);

(d) «establishment» means an establishment referred to in paragraph *r* of section 18.1 of the Act, where beer or alcoholic beverages are sold for consumption on the premises;

(e) «Act» means the Retail Sales Tax Act (R.S.Q., c. I-1).

O.C. 740-91, s. 2.

DIVISION II

IDENTIFICATION OF BEER CONTAINERS

3. Beer in an establishment, excluding beer on tap, shall, until the moment before it is consumed, be conserved by the person keeping the establishment in a container identified in accordance with section 4.

O.C. 740-91, s. 3.

4. A container shall be identified:

(a) in the case of beer supplied by a brewer, by means of a box with a border at least $\frac{1}{2}$ millimeter wide, in a colour and model approved by the Minister of Revenue, framing an inscription indicating the quantity of beer and the alcohol content and printed on the principal label affixed to the container by the brewer;

(b) in the case of beer supplied by the Société des alcools du Québec, by means of a stamp or other mark of identification, approved by the Minister of Revenue, that the Corporation affixes on the container or its label.

O.C. 740-91, s. 4.

5. Every brewer shall make the identification prescribed in paragraph *a* of section 4 and the Société des alcools du Québec shall make the identification prescribed in paragraph *b* of that section; no other person may make such an identification.

O.C. 740-91, s. 5.

6. Except for beer on tap, the person keeping an establishment shall deliver beer in a container identified in accordance with section 4 and in such a way that the identification is visible to the consumer.

O.C. 740-91, s. 6.

7. Containers identified in accordance with section 4 shall be for the exclusive use of establishments.

O.C. 740-91, s. 7.

8. Subject to sections 9 and 12, no person may deliver beer conserved in a container identified in accordance with section 4 to a person other than a person who keeps an establishment and holds a registration certificate issued under the Act.

O.C. 740-91, s. 8.

9. No person may sell or deliver to a consumer, elsewhere than in an establishment, beer conserved in a container identified in accordance with section 4.

O.C. 740-91, s. 9.

10. No person may consume, in an establishment, beer other than beer conserved on tap or in a container identified in accordance with section 4.

O.C. 740-91, s. 10.

11. No person may consume, elsewhere than in an establishment, beer that is in a container identified in accordance with section 4.

O.C. 740-91, s. 11.

12. A brewer may not sell beer wholesale, where it is in a container identified in accordance with section 4, except to his authorized wholesale distributor or agent and to a person who keeps an establishment and holds a registration certificate issued under the Act.

O.C. 740-91, s. 12.

13. An authorized wholesale distributor or agent referred to in section 12 and the Société des alcools du Québec may not sell beer wholesale, where it is in a container identified in accordance with section 4, to a person other than a person who keeps an establishment and holds a registration certificate issued under the Act.

O.C. 740-91, s. 13.

14. A brewer or an authorized wholesale distributor or agent referred to in section 12 and the Société des alcools du Québec may sell beer wholesale to a person who keeps an establishment and holds a registration certificate issued under the Act only where that beer is conserved on tap or in a container identified in accordance with section 4.

O.C. 740-91, s. 14.

DIVISION III

IDENTIFICATION OF ALCOHOLIC BEVERAGE CONTAINERS

15. An alcoholic beverage in an establishment shall, until the moment before it is consumed, be conserved by the person keeping the establishment in a container identified in accordance with section 16.

O.C. 740-91, s. 15.

16. A container shall be identified by means of a stamp or other mark of identification, approved by the Minister of Revenue, that the Société des alcools du Québec affixes on the container or its label.

O.C. 740-91, s. 16.

17. The Société des alcools du Québec shall make the identification prescribed in section 16 and no other person may make such an identification.

O.C. 740-91, s. 17.

18. Containers identified in accordance with section 16 shall be for the exclusive use of establishments.

O.C. 740-91, s. 18.

19. Subject to section 20, no person may deliver an alcoholic beverage conserved in a container identified in accordance with section 16 to a person other than a person who keeps an establishment and holds a registration certificate issued under the Act.

O.C. 740-91, s. 19.

20. No person may sell or deliver to a consumer, elsewhere than in an establishment, an alcoholic beverage conserved in a container identified in accordance with section 16.

O.C. 740-91, s. 20.

21. No person may consume, in an establishment, an alcoholic beverage other than an alcoholic beverage conserved in a container identified in accordance with section 16.

O.C. 740-91, s. 21.

22. No person may consume, elsewhere than in an establishment, an alcoholic beverage conserved in a container identified in accordance with section 16.

O.C. 740-91, s. 22.

23. The Société des alcools du Québec may not sell an alcoholic beverage wholesale, where it is conserved in a container identified in accordance with section 16, to a person other than a person who keeps an establishment and holds a registration certificate issued under the Act.

O.C. 740-91, s. 23.

24. The Société des alcools du Québec may sell an alcoholic beverage wholesale to a person who keeps an establishment and holds a registration certificate issued under the Act only where that alcoholic beverage is conserved in a container identified in accordance with section 16.

O.C. 740-91, s. 24.

25. Omitted.

O.C. 740-91, s. 25; O.C. 1655-91, s. 1.

O.C. 740-91, 1991 G.O. 2, 1801
O.C. 1655-91, 1991 G.O. 2, 4824