

chapter V-5.001

**ACT RESPECTING THE SALE AND DISTRIBUTION OF BEER AND SOFT DRINKS IN NON-RETURNABLE CONTAINERS**



*This Act was formerly entitled “An Act respecting beer and soft drink distributors’ permits”. The title was replaced by section 1 of chapter 9 of the statutes of 1996.*

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**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.

1984, c. 30, s. 1.

**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 Sustainable Development, Environment and Parks.

1984, c. 30, s. 2; 1984, c. 36, s. 44; 1988, c. 41, s. 89; 1994, c. 16, s. 51; 1996, c. 9, s. 2; 1999, c. 36, s. 158; 2006, c. 3, s. 35.

**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 and the Société québécoise de récupération et de recyclage incorporated under the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01), or unless he complies with the regulations adopted pursuant to section 53.30 of the Environment Quality Act (chapter Q-2) and respecting non-returnable containers for beer or soft drinks.

1984, c. 30, s. 3; 1990, c. 23, s. 38; 1994, c. 17, s. 75; 1996, c. 9, s. 3; 1999, c. 75, s. 42.

**4.** The Minister, on such conditions as he may determine, may revoke or suspend any permit if its holder fails to comply with the provisions of an agreement entered into under section 3, ceases to be a party to the agreement or does not comply with the regulations adopted pursuant to section 53.30 of the Environment Quality Act (chapter Q-2) and respecting non-returnable containers for beer or soft drinks.

The Minister shall, before revoking or suspending any permit, notify the permit holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.

1984, c. 30, s. 4; 1984, c. 36, s. 44; 1988, c. 41, s. 89; 1990, c. 23, s. 39; 1994, c. 16, s. 51; 1994, c. 17, s. 75; 1996, c. 9, s. 4; 1997, c. 43, s. 410; 1999, c. 75, s. 42.

**4.1.** No person may, as part of a retail sales operation, offer for sale or sell beer or soft drinks in non-returnable containers, or distribute beer or soft drinks free of charge in non-returnable containers, unless the containers are marked as required under an agreement or the regulations referred to in section 3.

1996, c. 9, s. 5.

**4.2.** Every person who, as part of a retail sales operation, offers for sale or sells beer or soft drinks in non-returnable containers, or distributes beer or soft drinks free of charge in non-returnable containers, must accept the return of empty containers that are marked as required under an agreement or the regulations referred to in section 3, and refund the refundable portion of the deposit.

The first paragraph does not apply where the beer or soft drinks are sold, offered for sale or distributed free of charge for consumption on the premises, or by means of an automatic vending machine.

1996, c. 9, s. 5.

**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.

1984, c. 30, s. 5.

**6.** Every person who contravenes any of sections 2, 4.1 or 4.2 is liable 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.

Every person who contravenes the provisions of an agreement entered into under section 3 is liable to the same penalties.

1984, c. 30, s. 6; 1990, c. 4, s. 635; 1992, c. 61, s. 433; 1994, c. 17, s. 75; 1996, c. 9, s. 6.

**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.

1984, c. 30, s. 7.

**8.** *(Repealed).*

1984, c. 30, s. 8; 1990, c. 4, s. 636.

**9.** *(Omitted).*

1984, c. 30, s. 9.

**10.** The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.

1984, c. 30, s. 10; 1984, c. 36, s. 44; 1988, c. 41, s. 89; 1994, c. 16, s. 51; 1996, c. 9, s. 7; 1999, c. 36, s. 158; 2006, c. 3, s. 35.

**11.** *(This section ceased to have effect on 27 June 1989).*

1984, c. 30, s. 11; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

**12.** *(Omitted).*

1984, c. 30, s. 12.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter P-9.2 of the Revised Statutes, in force on 1 March 1997, is repealed effective from the coming into force of chapter V-5.001 of the Revised Statutes.