

chapter H-2.1

ACT RESPECTING HOURS AND DAYS OF ADMISSION TO COMMERCIAL ESTABLISHMENTS

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DIVISION I

APPLICATION

1. This Act applies to commercial establishments where products are offered for sale by retail to any member of the public, including a member of a club or cooperative or of another group of consumers.

Any space or stall in markets, particularly in covered markets and flea markets, is considered to be a commercial establishment.

1990, c. 30, s. 1.

DIVISION II

HOURS AND DAYS OF ADMISSION

2. Subject to sections 3 to 14, the public may be admitted to a commercial establishment only between the hours of

(1) 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays, and 8:00 a.m. and 9:00 p.m. on the other days of the week;

(2) 8:00 a.m. and 5:00 p.m. on 24 and 31 December;

(3) 1:00 p.m. and 5:00 p.m. on 26 December where it falls on a Saturday or a Sunday, and 1:00 p.m. and 9:00 p.m. where it falls on another day of the week.

1990, c. 30, s. 2; 1992, c. 55, s. 1; 2006, c. 47, s. 1.

3. Subject to sections 4.1 to 14, the public may not be admitted to a commercial establishment on

(1) 1 January;

(2) 2 January;

(3) Easter Sunday;

(4) 24 June;

(5) 1 July;

(6) the first Monday in September;

(7) 25 December;

(8) *(paragraph repealed)*.

1990, c. 30, s. 3; 1990, c. 73, s. 72; 1992, c. 26, s. 18; 1992, c. 55, s. 2; 2006, c. 47, s. 2; 2007, c. 4, s. 2.

3.1. Subject to sections 3, 4.1, 6 and 12 to 14, the public may be admitted to a grocery store only between the hours of

(1) 8:00 a.m. and 8:00 p.m. on Saturdays and Sundays, and 8:00 a.m. and 9:00 p.m. on other days of the week;

(2) 8:00 a.m. and 5:00 p.m. on 24 and 31 December; and

(3) 1:00 p.m. and 8:00 p.m. on 26 December, if it is a Saturday or a Sunday, or 1:00 p.m. and 9:00 p.m., if it is another day of the week.

A grocery store is an establishment that principally offers for sale, at all times, only the following products or some of the following products: foodstuffs or alcoholic beverages to be consumed elsewhere than on the premises of the establishment.

2006, c. 47, s. 3.

4. *(Repealed).*

1990, c. 30, s. 4; 1992, c. 55, s. 3.

4.1. The Government may, by regulation, change the hours or days of admission specified in section 2, 3 or 3.1 or determine special periods of admission to certain commercial establishments, which may vary according to criteria established by regulation and have precedence over sections 5 to 10.

2006, c. 47, s. 4.

5. The public may also be admitted to a commercial establishment outside the legal periods of admission, provided that the establishment principally offers for sale, at all times, only the following food products or some of the following food products: meals, foodstuffs or alcoholic beverages to be consumed on the premises or prepared meals or dishes to be consumed at a place other than on the premises of the establishment.

1990, c. 30, s. 5; 1992, c. 55, s. 4; 2006, c. 47, s. 5.

6. The public may also be admitted to a grocery store outside the legal periods of admission provided that not more than four persons attend to the operation of the store.

1990, c. 30, s. 6; 1992, c. 55, s. 5; 2006, c. 47, s. 6.

7. The public may also be admitted to a commercial establishment outside the legal periods of admission, provided that

(1) the establishment principally offers for sale, at all times, only the following products or some of the following products: pharmaceutical, hygienic or sanitary products, newspapers, periodicals, books, tobacco or articles required for the use of tobacco, and provided that not more than four persons attend to the operation of the establishment outside the legal periods of admission;

(2) the establishment principally offers for sale, at all times, only the following products or some of the following products: motor oil, fuel, newspapers, periodicals, books, tobacco or articles required for the use of tobacco.

For the purposes of subparagraph 1 of the first paragraph, the word “persons” excludes professionals governed by the Pharmacy Act (chapter P-10) and persons assigned exclusively to the preparation of medicaments.

1990, c. 30, s. 7; 1992, c. 55, s. 6; 2006, c. 47, s. 7.

8. The public may also be admitted to a commercial establishment outside the legal periods of admission, provided that the principal articles offered for sale at all times are

(1) works of art or handicrafts or both;

(2) flowers or inedible horticultural products or both;

(3) antiques.

1990, c. 30, s. 8; 1992, c. 55, s. 7; 2006, c. 47, s. 7.

9. The public may also be admitted to a commercial establishment outside the legal periods of admission, provided that the principal items offered for sale at all times are foodstuffs or other products as accessories to services rendered for the performance of a leasing contract for goods or services.

1990, c. 30, s. 9; 1992, c. 55, s. 8; 2006, c. 47, s. 7.

10. The public may also be admitted to a commercial establishment outside the legal periods of admission, provided that the establishment is situated in one of the following places:

(1) a place where sports activities are held or a cultural centre, provided that the principal products offered for sale at all times are products connected with the activity being carried out;

(1.1) a facility maintained by an institution operating a hospital centre or a residential and long-term care centre within the meaning of the Act respecting health services and social services (chapter S-4.2);

(2) a hospital centre within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

(3) an air terminal.

1990, c. 30, s. 10; 1992, c. 21, s. 170; 1992, c. 55, s. 9; 1994, c. 23, s. 23; 2006, c. 47, s. 7.

11. (*Repealed*).

1990, c. 30, s. 11; 1992, c. 55, s. 10.

12. The Minister may, upon a written application from a local municipality whose territory is situated near the territorial limits of Québec and for the period he determines, authorize that the public also be admitted to the commercial establishments situated in that territory outside the legal periods of admission.

The Minister shall, before giving his authorization, take into account the hours and days of admission of the public to commercial establishments situated in areas adjacent to that territory.

The Minister may revoke any authorization granted under this section, and shall give notice of every authorization or revocation, as the case may be, in the *Gazette officielle du Québec*.

1990, c. 30, s. 12; 1992, c. 55, s. 11; 2006, c. 47, s. 7.

13. The Minister may, upon a written application from a local municipality and for the period and area he determines, authorize that the public also be admitted to the commercial establishments situated in a tourist area in the territory of that municipality outside the legal periods of admission.

Before granting such authorization, the Minister shall seek the opinion of the minister responsible for the administration of the Act respecting tourist accommodation establishments (chapter E-14.2) concerning the touristic nature of the area and the period requested in the application.

The Minister shall give notice of the authorization in the *Gazette officielle du Québec*.

1990, c. 30, s. 13; 1992, c. 55, s. 11; 1994, c. 16, s. 23; 2000, c. 10, s. 22; 2006, c. 47, s. 7.

14. The Minister may, upon a written application, authorize that the public also be admitted to commercial establishments outside the legal periods of admission, on the occasion of a special event such as a festival, fair, show or exhibition.

1990, c. 30, s. 14; 1992, c. 55, s. 11; 2006, c. 47, s. 7.

15. Sections 12, 13 and 14 shall take precedence over any other provision of this division.

1990, c. 30, s. 15.

DIVISION III

INSPECTION

16. The Minister or a local municipality may authorize any person to act as an inspector for the purpose of ascertaining compliance with this Act.

Any person so authorized to act as an inspector, or any peace officer, may, in the performance of his duties,

- (1) enter, at any reasonable time, any commercial establishment and carry out an inspection;
- (2) examine and make copies of the books, registers, accounts, files or other documents relating to the activities of the establishment;
- (3) require any information relating to the application of this Act and the production of any document in connection therewith.

Any person who has custody, possession or control of the books, registers, accounts, files or other documents must, on request, make them available to the person carrying out the inspection.

1990, c. 30, s. 16.

17. Any person carrying out an inspection must, on request, identify himself and produce a certificate of his capacity or, where applicable, his insignia.

1990, c. 30, s. 17.

18. No person may hinder any person carrying out an inspection, mislead him by concealment or false declarations, refuse to provide him with any information or document he is entitled to require or examine under this Act, or conceal or destroy any such information or document.

1990, c. 30, s. 18.

DIVISION IV

PENAL PROVISIONS

19. In this division, the expression “person operating a commercial establishment” includes any mandatary thereof who is responsible for the management of the establishment, and “person employed by him” includes any person employed by the person operating the commercial establishment or by his mandatary, regardless of the method of remuneration.

1990, c. 30, s. 19.

20. No person operating a commercial establishment, or any person employed by him, may admit any member of the public to the establishment outside the hours during which or the days on which the public may be admitted.

1990, c. 30, s. 20.

21. No person operating a commercial establishment, or any person employed by him, may permit the presence of any member of the public in the establishment more than 30 minutes after the time at which the public may no longer be admitted.

1990, c. 30, s. 21.

22. No person operating a commercial establishment may advertize or cause to be advertized that the public may be admitted to that establishment at a time or on a day when the public may not be admitted.

1990, c. 30, s. 22.

23. Any person operating a commercial establishment who contravenes a provision of section 20 is guilty of an offence and is liable to a fine of not less than \$1,500 and, in the case of a second or subsequent conviction, to a fine of not less than \$3,000 or, in the case of the operator of a grocery store within the meaning of section 3.1, to a fine of not less than \$6,000 for a second conviction and \$9,000 for a subsequent conviction.

In determining the amount of the fine, the court shall take into account the advantages gained and revenue derived from the operation of the commercial establishment.

1990, c. 30, s. 23; 2006, c. 47, s. 8.

24. Any person operating a commercial establishment who contravenes a provision of section 18, 21 or 22, and any person employed by him who contravenes a provision of section 18, 20 or 21, is guilty of an offence and is liable to a fine of \$500 to \$1,500 or, in the case of a second or subsequent conviction, to a fine of \$1,500 to \$3,000.

1990, c. 30, s. 24.

25. In the case of an act which contravenes any provision of section 18 or section 20, any person operating a commercial establishment who ordered, authorized or recommended such an act, or who consented thereto, is guilty of an offence and is liable, in the case of an act contravening a provision of section 18, to the fine provided for in section 24, and in the case of an act contravening a provision of section 20, to the fine provided for in section 23.

1990, c. 30, s. 25.

26. In the case of an act which contravenes any provision of section 20 or section 22 where the person operating the commercial establishment is not the owner of the immovable in which the establishment is situated, the owner of that immovable, if he ordered, authorized or recommended the act or consented to it, is guilty of an offence and is liable, in the case of an act contravening a provision of section 20, to the fine provided for in section 23, and in the case of an act contravening a provision of section 22, to the fine provided for in section 24.

1990, c. 30, s. 26.

27. Penal proceedings for an offence under a provision of this Act may be brought by the municipality before a municipal court.

The fine and costs imposed by the municipal court as punishment for an offence under a provision of this Act belong to the municipality and form part of its general fund, with the exception of the portion of the costs

remitted by the collector to another prosecutor who assumed expenses relating to the prosecution and the costs remitted to the defendant under article 223 of the Code of Penal Procedure (chapter C-25.1).

1990, c. 30, s. 27; 1992, c. 61, s. 323.

DIVISION V

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

28. Any clause of a lease or other agreement by which a person operating a commercial establishment undertakes to admit the public to his commercial establishment

- (1) before 8:30 a.m. from Monday to Saturday;
- (2) after 6:00 p.m. on Mondays, Tuesdays and Wednesdays;
- (3) after 9:00 p.m. on Thursdays and Fridays;
- (4) after 5:00 p.m. on Saturdays;
- (5) on Sundays,

is without effect.

The first paragraph shall cease to apply on 18 December 1997. However, in the case of a lease or other agreement which, on 18 December 1992, is binding on a person operating a commercial establishment, the first paragraph shall cease to apply on the date on which the lease or agreement expires, where that date is later than 18 December 1997.

1990, c. 30, s. 28; 1992, c. 55, s. 12.

28.1. *(Repealed).*

1992, c. 55, s. 13; 2001, c. 26, s. 128.

29. Every authorization granted by the Minister under section 5.3 of the Act respecting commercial establishments business hours (chapter H-2) remains in force for the period mentioned in it.

1990, c. 30, s. 29.

30. Every person operating a commercial establishment who, under the Act respecting commercial establishments business hours (chapter H-2), was governed by standards less restrictive than the standards provided for under this Act, has until 1 January 1991 to comply with this Act.

1990, c. 30, s. 30.

31. *(Omitted).*

1990, c. 30, s. 31.

32. *(Amendment integrated into c. D-2, s. 9).*

1990, c. 30, s. 32.

33. *(Amendment integrated into c. P-9.1, s. 60).*

1990, c. 30, s. 33.

34. *(Amendment integrated into c. S-13, s. 21).*

1990, c. 30, s. 34.

35. In any special Act respecting a municipality and in any regulation, order in council, order, contract or other document, any reference to the Act respecting commercial establishments business hours (chapter H-2) shall, taking into account the context, constitute a reference to this Act.

1990, c. 30, s. 35.

36. Notwithstanding the provisions of this Act, a permit issued under the Act respecting liquor permits (chapter P-9.1) may be used only in accordance with the said Act.

1990, c. 30, s. 36.

37. The provisions of this Act shall take precedence over the provisions of any other general law or special Act concerning municipal matters and over any municipal by-law.

1990, c. 30, s. 37.

38. The Minister of Economic Development, Innovation and Export Trade is responsible for the application of this Act.

1990, c. 30, s. 38; 1994, c. 16, s. 24; 1999, c. 8, s. 20; 2003, c. 29, s. 135; 2006, c. 8, s. 31.

39. *(Omitted).*

1990, c. 30, s. 39.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 30 of the statutes of 1990, in force on 1 September 1990, is repealed, except section 39, effective from the coming into force of chapter H-2.1 of the Revised Statutes.

