

chapter I-2, r. 1

Regulation respecting the application of the Tobacco Tax Act

Tobacco Tax Act
(chapter I-2, ss. 19 and 20).

O.C. 1929-86; I.N. 2018-07-01.

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SCHEDULE I

**CHARACTERISTICS AND CATEGORIES OF STAMPS FOR THE
IDENTIFICATION OF PACKAGES OF TOBACCO INTENDED FOR RETAIL
SALE IN QUÉBEC**

1. In this Regulation:

(a) “brand of cigarette” means a type of cigarette sold under a particular trade name;

(b) “related persons” means persons not dealing at arm’s length as defined in sections 17 to 21 of the Taxation Act (chapter I-3).

O.C. 1929-86, s. 1.

1.1. (Revoked).

O.C. 179-92, s. 1; O.C. 1466-98, s. 1; O.C. 1451-2000, s. 1.

1.2. For the purposes of paragraph *h* of section 6.1 of the Act,

(a) a corporation shall furnish a copy of its articles of incorporation, its letters patent or any similar document and, where applicable, its articles of amendment, its articles of amalgamation, its supplementary letters patent or any similar document, except where those documents have been filed with the enterprise registrar;

(b) a corporation referred to in paragraph *a* that has been in business for more than one year must, at the time of the corporation’s application, have complied with the provisions of the Act respecting the legal publicity of enterprises (chapter P-44.1), where the corporation is incorporated under the laws of Québec;

(c) a corporation referred to in paragraph *a* that has been in business for more than one year shall, where the corporation is incorporated under the laws of a jurisdiction other than Québec, furnish any document similar to the attestation that would be issued by the enterprise registrar, if the corporation were incorporated under the laws of Québec, indicating that the corporation is, at the time of the application, in compliance with the Act respecting the legal publicity of enterprises, provided that the document is issued by the competent authority of that jurisdiction and attests to the corporation’s compliance with the laws of that jurisdiction;

(d) a partnership shall furnish a copy of the contract of partnership;

(e) a person referred to in section 7.6 of the Act shall furnish a certificate delivered by the agent designated by that person and confirming the agent’s designation; and

(f) a person, its officers, its directors or, in the case of a partnership, its members must, at the request of the Minister and on the terms and conditions the Minister determines, obtain any attestation the Minister considers relevant from a federal, provincial, municipal or local authority or body, and provide it to the Minister.

O.C. 179-92, s. 1; O.C. 1451-2000, s. 2; O.C. 1155-2004, s. 1; O.C. 193-2006, s. 1.

1.3. (Revoked).

O.C. 179-92, s. 1; O.C. 1451-2000, s. 3.

1.4. For the purposes of application of section 7.9 of the Act, the manifest or way-bill shall contain the following information:

(a) (paragraph revoked);

(b) the date it is drawn up;

(c) the name and address of the person required to draw it up as well as his carrier’s permit number, as the case may be;

(d) the name and address of the vendor and of the purchaser of the load;

- (e) the address of the place of loading where it differs from that of the vendor;
- (f) the date of loading and the date on which the person referred to in paragraph *c* takes charge of the load;
- (g) the quantity of raw tobacco transported in kilograms or the number of packages of tobacco transported by type of product;
- (h) every address and date of unloading as well as the quantity of raw tobacco in kilograms or the number of packages of tobacco by type of product unloaded at each place.

O.C. 179-92, s. 1; O.C. 1282-2003, s. 1; O.C. 654-2005, s. 1; O.C. 1303-2009, s. 1.

1.5. For the purposes of section 7.10 of the Act,

- (a) the register that must be kept by the storer shall indicate
 - i. the dates on which raw tobacco or packages of tobacco are received and shipped,
 - ii. the quantities of raw tobacco in kilograms or the number of packages of tobacco by type of product received and shipped,
 - iii. the number of the receiving and shipping documents,
 - iv. the name and address of the shipper and of the receiver,
 - v. in the case of raw tobacco,
 - (1) if it does not belong to the storer, the name and address of the owner and the quantities stored in kilograms,
 - (2) if the storer is a manufacturer, the quantities used each day, in kilograms, to manufacture tobacco, or
 - (3) if the storer produces raw tobacco, the date of baling or placing into containers, the number of bales or containers prepared and the total weight of the raw tobacco in kilograms, and
 - vi. in the case of packages of tobacco, the jurisdiction under which an identification mark is affixed;
- (b) the register that must be kept by the carrier shall, for each load transported, indicate
 - i. the dates on which the raw tobacco or packages of tobacco were taken charge of and delivered,
 - ii. the name and address of the shipper and of the receiver,
 - iii. the quantities of raw tobacco in kilograms or the number of packages of tobacco by type of product, and
 - iv. the number of the delivery document; and
- (c) the register that must be kept by the importer shall, for each occurrence of tobacco brought into Québec, indicate
 - i. the date on which the tobacco was brought into Québec,
 - ii. the name and address of the customs broker, where applicable,
 - iii. the name and address of the vendor, the number of the vendor's invoice and the date of the sale,

- iv. the quantities of raw tobacco in kilograms or the number of packages of tobacco by type of product,
- v. the name and address of the carrier,
- vi. the number of every document issued by, as the case may be, the Canada Border Services Agency or the Canada Revenue Agency relating to importing into Canada, where applicable, and
- vii. the number of the receiving document.

O.C. 179-92, s. 1; O.C. 654-2005, s. 2; O.C. 1303-2009, s. 2.

1.5.1. For the purposes of section 7.10.1 of the Act, the register that must be kept by the holder of a manufacturer's permit must indicate

(a) a description of the tobacco manufacturing equipment, the name of the manufacturer, the trademark, model, serial number and capacity;

(b) the name and address of the vendor or lessor of the tobacco manufacturing equipment and, where applicable, the registration number assigned to the vendor or lessor in accordance with section 415 or 415.0.6 of the Act respecting the Québec sales tax (chapter T-0.1) and the number of the manufacturer's permit;

(c) the date of acquisition or of the start of the lease of the tobacco manufacturing equipment, the price or rent and the term of the lease as well as the invoice number;

(d) in the case of imported tobacco manufacturing equipment, the number of every document related thereto issued by, as the case may be, the Canada Border Services Agency or the Canada Revenue Agency and, where applicable, the name and address of the customs broker;

(e) the name and address of the carrier of the tobacco manufacturing equipment, the address of the place of delivery, the delivery date and the number of the receiving document;

(f) the date of commissioning and, where applicable, the date of the end of the use of the tobacco manufacturing equipment;

(g) where the holder of a manufacturer's permit disposes, by sale, lease or otherwise, of the tobacco manufacturing equipment, the name and address of the purchaser or lessee, the date on which the holder disposed of the equipment, the price or rent and the term of the lease, the number of the manufacturer's permit of the purchaser or lessee and the number of every document relating thereto;

(h) where the holder of a manufacturer's permit disposes of the tobacco manufacturing equipment for its destruction, its recycling or the recovery of parts, the name and address of the person in charge of the destruction, recycling or recovery and the date on which the holder disposed of the equipment.

O.C. 642-2010, s. 1; O.C. 321-2017, s. 1.

1.6. *(Revoked).*

O.C. 179-92, s. 1; S.Q. 2005, c. 29, s. 71.

1.6.1. For the purposes of the fifth paragraph of section 17.2 of the Act, the invoice or any other document the holder of a collection officer's permit must give the retail vendor shall indicate

(a) a serial number;

(b) the date on which the retail vendor acquired the cigars and the address of the place of delivery;

(c) the name and address of the parties and the retail vendor's registration number;

(d) the quantities, sold or delivered, of cigars by type of cigar, with a description of each type of cigar and an indication of the number of packages and cigars per package; and

(e) for each cigar, its sale price, taxable price, the amount equal to the tax collected or to be collected and the total of the amount equal to the tax collected or to be collected by type of cigar.

O.C. 1303-2009, s. 3.

1.7. For the purposes of application of the third paragraph of section 17.5 of the Act, the statement to be furnished shall indicate the name and address of each customer and the total sales and deliveries for each of the following categories of tobacco products:

(a) the tobacco products identified in accordance with section 13.1 of the Act;

(b) the tobacco products that are not identified in accordance with section 13.1 of the Act and that are intended for retail sale in Québec;

(c) the tobacco products that are not identified in accordance with section 13.1 of the Act and that are intended for retail sale outside Québec and specifying for each sale, as the case may be, the jurisdiction under which the tobacco products are identified.

O.C. 179-92, s. 1.

2. For the purposes of sections 13.1 and 17.10 of the Act, any manufacturer or importer must affix

(a) to each package of tobacco, other than pipe tobacco, snuff, chewing tobacco and leaf tobacco, intended for retail sale in Québec, in the manner prescribed in section 4.2 of the Stamping and Marking of Tobacco Products Regulations (SOR/2003-288), a stamp;

(b) to each end of each carton of cigarettes, tobacco sticks, rolls of tobacco or pre-rolled tobacco and to each unit of pre-rolled tobacco, a rectangle at least 2.9 cm wide and at least 1.4 cm high, surrounded by a 100% black border 1.5 points thick and bearing the inscription “QUÉBEC” also in 100% black on a 100% opaque white background, in “helvetica bold, 10-body” type and in upper-case letters; and

(c) to each case of cigarettes, tobacco sticks, rolls of tobacco, loose tobacco other than pipe tobacco, snuff or chewing tobacco, and pre-rolled tobacco and to each container of several units of pre-rolled tobacco, the inscription “QUÉBEC” on at least 2 of its sides in 100% black upper-case letters 38.1 mm high.

The requirement set out in subparagraph *b* of the first paragraph does not apply in respect of a carton in a transparent wrapping which allows the stamp affixed in accordance with subparagraph *a* of the first paragraph on each package contained in the carton to be distinguished.

The first and second paragraphs do not apply in the case of cigarettes, tobacco sticks, rolls of tobacco, cigars, loose tobacco or pre-rolled tobacco intended for sale in a duty free shop where the sale of merchandise free of duty or taxes is permitted under the Customs Act (R.S.C. 1985, c. 1 (2nd Suppl.)).

For the purposes of this section, a wrapping containing one or more cigars intended for retail sale in Québec is deemed to be a package of tobacco.

O.C. 1929-86, s. 2; O.C. 1657-91, s. 1; O.C. 1466-98, s. 2; O.C. 1463-2001, s. 1; O.C. 654-2005, s. 3; S.Q. 2012, c. 28, s. 196.

2.1. (*Revoked*).

O.C. 273-94, s. 1; O.C. 1463-2001, s. 2; O.C. 654-2005, s. 4; S.Q. 2012, c. 28, s. 197.

2.1.1. For the purposes of section 13.1 of the Act, where a package of tobacco referred to in subparagraph *a* of the first paragraph of section 2 is offered for sale to a consumer in another container where the stamp affixed to the package is not visible, the person who is required, under this Regulation, to affix the stamp to

the package shall affix the identification mark provided for in subparagraph *b* of the first paragraph of section 2 on one end of that other container so that the identification mark is clearly visible.

O.C. 1470-2002, s. 1; S.Q. 2012, c. 28, s. 198.

2.1.2. For the purposes of section 13.1 of the Act, any package of tobacco intended for retail sale in Québec, other than tobacco referred to in subparagraph *a* of the first paragraph of section 2, must be stamped within the meaning of section 2 of the Excise Act, 2001 (S.C. 2002, c. 22) to be considered as identified by the manufacturer or importer of such tobacco.

O.C. 654-2005, s. 5; S.Q. 2012, c. 28, s. 198.

2.2. For the purposes of section 17.10 of the Act, a prescribed case is

(1) any container or wrapping containing not fewer than 10 packages of loose tobacco other than pipe tobacco, snuff or chewing tobacco; and

(2) any container or wrapping containing not fewer than 50 packages of tobacco sticks, rolls of tobacco or pre-rolled tobacco comparable to a package of cigarettes.

O.C. 273-94, s. 1; O.C. 1463-2001, s. 3.

3. *(Revoked).*

O.C. 1929-86, s. 3; O.C. 1657-91, s. 2; O.C. 273-94, s. 2.

4. *(Revoked).*

O.C. 1929-86, s. 4; O.C. 179-92, s. 2.

5. *(Revoked).*

O.C. 1929-86, s. 5; O.C. 179-92, s. 2.

6. *(Revoked).*

O.C. 1929-86, s. 6; O.C. 179-92, s. 2.

7. *(Revoked).*

O.C. 1929-86, s. 7; O.C. 179-92, s. 2.

8. *(Revoked).*

O.C. 1929-86, s. 8; O.C. 179-92, s. 2.

9. *(Revoked).*

O.C. 1929-86, s. 9; O.C. 179-92, s. 2.

10. *(Revoked).*

O.C. 1929-86, s. 10; O.C. 179-92, s. 2.

10.1. *(Revoked).*

O.C. 179-92, s. 3; O.C. 710-2004, s. 1.

11. Where security is required by the Minister to assure the payment of a month's remittance under the agreement, the holder of a collection officer's permit who has made an agreement under section 17 of the Act

shall be granted an amount corresponding to the premium paid by that person to obtain the security, up to \$4 per \$1,000 guaranteed by security.

The amount allowed for the premium paid may, upon submission of the receipted bill, be withheld and deducted when the monthly report is submitted. The amount of the security must be indicated on the bill.

O.C. 1929-86, s. 11; O.C. 179-92, s. 4; O.C. 1466-98, s. 3.

11.1. *(Revoked).*

O.C. 1635-96, s. 1; O.C. 1303-2009, s. 4.

11.2. *(Revoked).*

O.C. 1635-96, s. 1; O.C. 1155-2004, s. 2; O.C. 1303-2009, s. 4.

11.3. *(Revoked).*

O.C. 1635-96, s. 1; O.C. 1303-2009, s. 4.

11.4. For the purposes of subparagraph *d* of the second paragraph of section 17.12 of the Act:

(a) the permit of the collection officer who files an application for a refund under this section shall be in force at the time of the sale of tobacco;

(b) dependent on whether the person to whom tobacco is sold is a collection officer or a retail vendor, that collection officer's permit, issued in accordance with subparagraph *a* of section 6 of the Act or the retail vendor's registration certificate, issued in accordance with section 3 of the Act, shall be in force at the time of the sale of tobacco;

(c) the collection officer who files an application for a refund shall provide, at the request of and within the time fixed by the Minister, for each person in respect of whom a bad debt is written off, the following informations:

i. the date of fiscal year end for the collection officer who files the application and the date on which the person's bad debt was written off;

ii. the person's name and address;

iii. detailed information for each sale of tobacco, that is, the date of the sale, the number of the invoice and the number of cigarettes and of cigars sold at a retail price \$0.15 or less per cigar, of grams of loose tobacco, of grams of leaf tobacco, of cigars sold at a retail price of \$0.15 or more per cigar and of grams of any tobacco other than cigarettes, loose tobacco, leaf tobacco or cigars sold at the time of each sale;

iv. the amount equal to the tax provided for in section 17.2 of the Act applicable in respect of each sale of tobacco;

v. the amount of each invoice, including the tax payable under Part IX of the Excise Tax Act (R.S.C. 1985, c. E-15) and, where applicable, the tax payable under Title I of the Act respecting the Québec sales tax (chapter T-0.1) and excluding the amount provided for in subparagraph iv;

vi. the amount of each invoice, including the amount provided for in subparagraph iv and excluding the tax payable under Part IX of the Excise Tax Act and the tax payable, where applicable, under Title I of the Act respecting the Québec sales tax.

O.C. 1470-2002, s. 2; O.C. 1155-2004, s. 3.

11.5. For the purposes of the fourth paragraph of section 17.12 of the Act, a person referred to in that section may determine the amount of the refund to which the person is entitled by the formula

$$A/B \times C.$$

For the purposes of this formula,

(a) A is the amount of the debt written off;

(b) B is the aggregate of the sales that are the amount of the debt to which the amount of the debt written off relates, including the amount provided for in section 17.2 of the Act, the tax payable under Part IX of the Excise Tax Act (R.S.C. 1985, c. E-15) and, where applicable, the tax payable under Title I of the Act respecting the Québec sales tax (chapter T-0.1);

(c) C is the amount provided for in section 17.2 of the Act, included in the aggregate of the sales that are the amount of the debt to which the amount of the debt written off relates.

Persons who wish to use the computation method provided for in the first paragraph in their fiscal year shall inform the Minister of such election using the prescribed form at the time of the initial application for a refund filed in that fiscal year. They shall also indicate therein the period covered by the fiscal year and use that method for the entire duration of that fiscal year.

O.C. 1470-2002, s. 2.

11.6. For the purposes of sections 11.4 and 11.5, the fiscal year of a person is that person's fiscal year within the meaning of section 1 of the Act respecting the Québec sales tax (chapter T-0.1).

O.C. 1470-2002, s. 2; O.C. 321-2017, s. 2.

11.7. For the purposes of section 17.14 of the Act, the amount provided for in section 17.2 of the Act shall be computed using the formula

$$A \times B/C.$$

For the purposes of this formula,

(a) A is the amount of the recovered bad debt;

(b) B is the amount provided for in section 17.12 of the Act, included in the aggregate of the sales that are the amount of the debt to which the amount of the recovered bad debt relates;

(c) C is the aggregate of the sales that are the amount of the debt to which the amount of the recovered debt relates, including the amount provided for in section 17.2 of the Act, the tax payable under Part IX of the Excise Tax Act (R.S.C. 1985, c. E-15) and, where applicable, the tax payable under Title I of the Act respecting the Québec sales tax (chapter T-0.1).

O.C. 1470-2002, s. 2.

12. This Regulation replaces the Regulation respecting the application of the Tobacco Tax Act (R.R.Q., 1981, c. I-2, r. 1).

O.C. 1929-86, s. 12.

13. (Omitted).

O.C. 1929-86, s. 13.

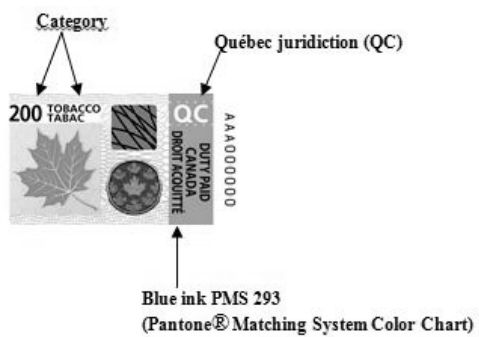
SCHEDULE I

(s. 1)

CHARACTERISTICS AND CATEGORIES OF STAMPS FOR THE IDENTIFICATION OF PACKAGES OF TOBACCO INTENDED FOR RETAIL SALE IN QUÉBEC

(1) The characteristics of stamps for the identification of packages of tobacco intended for retail sale in Québec are as follows:

TOBACCO TAX — SPECIAL IDENTIFICATION MARK



(2) The categories of stamps for the identification of packages of tobacco intended for retail sale in Québec are as follows:



S.Q. 2012, c. 28, s. 199; O.C. 204-2020, s. 1.

UPDATES

O.C. 1929-86, 1986 G.O. 2, 3156
O.C. 1657-91, 1991 G.O. 2, 4827
O.C. 179-92, 1992 G.O. 2, 962
O.C. 273-94, 1994 G.O. 2, 1114
O.C. 1635-96, 1996 G.O. 2, 5561
O.C. 1466-98, 1998 G.O. 2, 4610
O.C. 1451-2000, 2000 G.O. 2, 5885
O.C. 1463-2001, 2001 G.O. 2, 6328
O.C. 1470-2002, 2002 G.O. 2, 6552
O.C. 1282-2003, 2003 G.O. 2, 3552
O.C. 710-2004, 2004 G.O. 2, 2297
O.C. 1155-2004, 2004 G.O. 2, 3593
O.C. 654-2005, 2005 G.O. 2, 2314
S.Q. 2005, c. 29, s. 71
O.C. 193-2006, 2006 G.O. 2, 1184
O.C. 134-2009, 2009 G.O. 2, 213 (French)
O.C. 1303-2009, 2009 G.O. 2, 4095
O.C. 642-2010, 2010 G.O. 2, 2246
S.Q. 2010, c. 7, s. 282
O.C. 390-2012, 2012 G.O. 2, 1312 (French)
S.Q. 2012, c. 28, ss. 196 to 199
O.C. 321-2017, 2017 G.O. 2, 867
O.C. 204-2020, 2020 G.O. 2, 807