



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 15
(2001, chapter 37)

**An Act to amend the Public Health
Protection Act and the Animal Health
Protection Act**

**Introduced 15 May 2001
Passage in principle 7 June 2001
Passage 21 June 2001
Assented to 26 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill amends the Public Health Protection Act to introduce provisions enabling the Government to adopt a plan of action to protect the population from the West Nile virus.

The bill provides that the implementation of the measures in the plan providing for the use of pesticides is not subject to the provisions of any law, regulation or municipal by-law, other than the provisions of the Environment Quality Act, that would prevent or delay the implementation of the measures.

Lastly, the bill contains consequential amendments to the Animal Health Protection Act.

LEGISLATION AMENDED BY THIS BILL :

- Public Health Protection Act (R.S.Q., chapter P-35);
- Animal Health Protection Act (R.S.Q., chapter P-42).

Bill 15

AN ACT TO AMEND THE PUBLIC HEALTH PROTECTION ACT AND THE ANIMAL HEALTH PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Public Health Protection Act (R.S.Q., chapter P-35) is amended by inserting the following division after section 24 :

“DIVISION IV.1

“GOVERNMENT PLAN OF ACTION TO PROTECT THE POPULATION FROM THE WEST NILE VIRUS

“24.1. The Government may, in the event that the health of the population is threatened by insects capable of transmitting the West Nile virus to the population, establish and implement a plan of action to control the insects on the joint proposal of the Minister of Health and Social Services, the Minister of Municipal Affairs and Greater Montréal and the Minister of Agriculture, Fisheries and Food, after consultation with the Minister of the Environment.

The plan of action may provide for the use of chemical pesticides only in the case where the other measures are considered to be insufficient.

“24.2. The measures provided for in the government plan of action that call for the use of pesticides are exempt from the application of any general or special legislative or regulatory provision, including any provision of a municipal by-law, that prevents or delays the implementation of the measures.

The provisions of the Environment Quality Act (chapter Q-2) and the regulations thereunder nonetheless remain applicable to the measures, subject to the following : when the measures are submitted to the Minister of the Environment under section 22 of that Act, the Minister may authorize the measures even in the absence of a certificate from the clerk or secretary-treasurer of a municipality stating that their implementation does not contravene any municipal by-law.

“24.3. The Minister of Health and Social Services shall, using any means considered to be the most efficient, give the public in the territory concerned prior notification of the planned application of pesticides and inform the public of the most efficient measures persons may take to protect themselves against the harmful effects of insecticide exposure.

“24.4. No person may hinder the implementation of the measures provided for in the government plan of action. Every owner, lessee or occupant of a parcel of land is required to give free access to the land at all times so that the measures, in particular the use of pesticides, may be implemented.

“24.5. The plan of action must be revised annually and made public.

As soon as the plan of action is made public, the competent committee of the National Assembly shall allow any interested person, group or organization to make observations in writing or make submissions concerning the plan, and may hold hearings.

“24.6. The Minister of Health and Social Services shall table in the National Assembly, within three months of the end of the implementation of the plan of action or, if the Assembly is not in session, within 15 days of resumption, a report on the measures implemented to protect public health from the threat posed by the insects.”

2. Section 11.12 of the Animal Health Protection Act (R.S.Q., chapter P-42), enacted by section 13 of chapter 40 of the statutes of 2000, is amended

(1) by striking out “emergency” in the second line of the second paragraph ;

(2) by inserting “or Division IV.1” after “IV” in the third line of the second paragraph.

3. The second paragraph of section 24.5 applies only from 2002.

4. This Act comes into force on 26 June 2001.