



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 4
(2009, chapter 10)

**An Act to regularize and provide for the
development of local slaughterhouses and
to amend the Food Products Act**

**Introduced 12 March 2009
Passed in principle 12 May 2009
Passed 28 May 2009
Assented to 1 June 2009**

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EXPLANATORY NOTES

This Act amends the Food Products Act in order to make permits mandatory for slaughterhouse operators in Québec who are presently exempted from being permit holders.

To that end, it establishes, for the benefit of any person who operated a slaughterhouse without a permit between 14 June 1977 and the date of introduction of the new legislation, a transitional permit scheme to authorize the operation of a slaughterhouse and a meat preparation plant, and sets rules regarding the period of validity of the transitional scheme. It also determines conditions for the issue, renewal and transfer of transitional permits and operational standards for permit holders.

In addition, this Act introduces a new type of slaughterhouse permit for the same activities as those authorized under a transitional permit. It determines conditions for the issue and renewal of the new permits and operational standards that are to apply to permit holders until the Government makes a regulation for that purpose.

Moreover, this Act modifies inspection powers so that they include the inspection of animals and extends the Minister's power to set the operation schedule of slaughterhouses.

Lastly, it includes technical and consequential provisions necessary for its implementation.

LEGISLATION AMENDED BY THIS ACT:

– Food Products Act (R.S.Q., chapter P-29).

Bill 4

AN ACT TO REGULARIZE AND PROVIDE FOR THE DEVELOPMENT OF LOCAL SLAUGHTERHOUSES AND TO AMEND THE FOOD PRODUCTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

TRANSITIONAL SLAUGHTERHOUSE PERMIT

1. Every person who, between 14 June 1977 and 12 March 2009, operated a slaughterhouse without a permit is deemed to hold a transitional slaughterhouse permit until the earliest of

(1) the date on which the person is issued a transitional slaughterhouse permit;

(2) the date on which the Minister refuses to issue the person a transitional slaughterhouse permit; and

(3) 29 September 2009, if the Minister has not received the person's application for a transitional slaughterhouse permit by that date.

2. A transitional slaughterhouse permit authorizes the permit holder to operate a slaughterhouse and a plant where meat or meat products are prepared exclusively to be sold at retail in that plant, or a slaughterhouse where slaughter services are provided for remuneration and a plant where meat or meat products may be prepared for remuneration for the personal consumption of a customer to whom slaughter services have been provided.

3. To obtain a transitional slaughterhouse permit, a person referred to in section 1 must apply for it in writing to the Minister before 29 September 2009 and provide

(1) in the case of a natural person, the person's name, address, telephone number and, if applicable, email address;

(2) in the case of a sole proprietorship, partnership or legal person, its name, telephone number and, if applicable, email address, the address of its main establishment and the business number assigned to it under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45);

(3) the name under which the slaughterhouse operates, its address and, if applicable, the name and address of the meat preparation plant;

(4) a monthly slaughtering schedule;

(5) an estimated monthly slaughtering volume, by species;

(6) a list of the activities the person intends to carry on; and

(7) for the purpose of establishing the amount of the fee payable, the total number of self-service hot or cold units in the meat preparation plant, other than cold units solely for the display of fresh whole, cut, peeled, grated or sliced fruit or vegetables.

The application must be submitted with the file opening fee, made payable to the Minister of Finance, and evidence that the applicant operated a slaughterhouse without a permit between 14 June 1977 and 12 March 2009.

The applicant must pay the prescribed fees to the Minister of Finance before the permit may be issued.

4. A transitional slaughterhouse permit is issued only if the applicant's slaughterhouse has

(1) a slaughtering room;

(2) a cold storage room with an initial cooling area and a refrigerated preserving area. The room must have equipment designed to lower the internal temperature of products and preserve them in accordance with section 6.3.1.8 of the Regulation respecting food (R.R.Q., 1981, chapter P-29, r. 1);

(3) a ventilated room, area or vehicle for receiving animals that is designed so as to prevent falls and injuries to animals and, if the animals received are of a species other than birds or rabbits, that is equipped with drinking and feeding facilities;

(4) an area for containers used for meat unfit for human consumption and for skins;

(5) a compartment for storing cleaning, washing and disinfecting materials; and

(6) a lavatory, including a sink, that may be used by the authorized person.

The slaughterhouse floors must be impermeable, washable and in good condition.

At the time the permit is issued, the slaughterhouse must also have

(1) room lighting and ventilation equipment and hot and cold drinking water supply equipment;

(2) hygienic handwashing equipment;

(3) waste water recovery or drainage equipment;

(4) equipment for rendering animals unconscious before bleeding them, suitable for the species slaughtered;

(5) suspension equipment for the hygienic bleeding of animals;

(6) equipment to keep carcasses off the floor during skinning;

(7) carcass rinsing equipment;

(8) equipment for disposing of meat unfit for human consumption and skins in such a way that they do not become a source of contamination;

(9) equipment for the inspection of carcasses, viscera and offal; and

(10) if species other than birds and rabbits are slaughtered, equipment for splitting carcasses in such a way that they remain safe.

The applicant's meat preparation plant must have the equipment described in subparagraphs 1 to 3 of the third paragraph.

5. For the first renewal of a transitional slaughterhouse permit, the applicant's slaughterhouse must have, in addition to the rooms, areas, equipment and systems described in section 4,

(1) equipment providing sufficient lighting for inspection activities;

(2) knife sterilization equipment in the slaughtering room;

(3) if cattle or horses are slaughtered, washing equipment for the inspection of heads;

(4) if birds other than ratites are slaughtered, plucking equipment; and

(5) if hogs are slaughtered and the skin is not removed, bristle removal equipment.

At the time of renewal of the permit, the rooms and areas of the slaughterhouse must be laid out in such manner that there is a continuous progression of the animals before and during slaughtering, and of the resulting carcasses, without any possibility of backtracking, overlapping or crossing over between live animals, products and meat unfit for human consumption. The rooms and areas must also be designed to prevent the entry of any species of animal other than those being slaughtered, including insects and rodents.

Moreover, the walls, doors, windows and ceilings must be washable, smooth and in good condition.

The applicant's meat preparation plant must have the equipment described in subparagraphs 1 to 3 of the third paragraph of section 4.

6. The equipment described in sections 4 and 5 must not be capable of affecting the safety of products.

7. For the second renewal of a transitional slaughterhouse permit, the applicant's slaughterhouse must have, in addition to the rooms, areas, equipment and systems described in sections 4 and 5,

(1) machine areas and a repair and maintenance area, laid out in such manner as to avoid contaminating the carcasses and other products; and

(2) if birds other than ratites are slaughtered, a room with receiving, slaughtering and plucking areas separated from the area for evisceration and any other carcass processing so as to prevent the contamination of the carcasses and other products.

The applicant's meat preparation plant must have the equipment described in subparagraphs 1 to 3 of the third paragraph of section 4.

8. A transitional slaughterhouse permit allows the permit holder to slaughter only

(1) animals whose meat is intended exclusively to be sold at retail in the permit holder's meat preparation plant; and

(2) animals belonging to a customer of the slaughterhouse and whose meat is for the customers' personal consumption.

The permit allows the permit holder to operate only one plant where meat or meat products are prepared for the exclusive purpose of retail sale in that plant or the slaughterhouse customers' personal consumption. The meat or meat products prepared must be

(1) derived from animals slaughtered in the permit holder's slaughterhouse;

(2) derived from animals slaughtered in a slaughterhouse referred to in subparagraph *a* of the first paragraph of section 9 of the Food Products Act (R.S.Q., chapter P-29) or in a slaughterhouse in respect of which the operator holds a license to operate a registered establishment issued under the Meat Inspection Regulations, 1990 (Revised Statutes of Canada, 1970, chapter M-7; SOR/90-288 *Canada Gazette* Part II, 2090); or

(3) derived from game held in accordance with the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) and prepared solely for the slaughterhouse customers' personal consumption.

Only meat or meat products derived from animals described in subparagraphs 1 and 2 of the second paragraph may be sold by the permit holder.

The permit holder may, after obtaining authorization from the Minister, use such meat or meat products in one place or vehicle in which the permit holder carries on business as a restaurateur.

9. The holder of a transitional slaughterhouse permit is prohibited from

- (1) selling meat or meat products wholesale;
- (2) carrying on special trading under section 6.7.1.12 of the Regulation respecting food;
- (3) supplying a vending machine with meat or meat products; and
- (4) storing meat or meat products elsewhere than in the permit holder's slaughterhouse, meat preparation plant or place or vehicle referred to in the fourth paragraph of section 8.

10. The holder of a transitional slaughterhouse permit must conform with the slaughtering schedule provided with the permit or permit renewal application or, if applicable, with the schedule set by the Minister under section 26.

11. The holder of a transitional slaughterhouse permit may not slaughter, for human consumption, an animal that

- (1) is unable to stand or move about without assistance; or
- (2) exhibits abnormal behaviour or an abnormal appearance.

12. The holder of a transitional slaughterhouse permit must keep a register giving the date on which animals were received, followed by

- (1) the name, address and telephone number of the owner of the animals or, if applicable, of the person requiring slaughtering services;
- (2) the number of animals of each species; and
- (3) the identification of each animal that is subject to a regulation under section 22.1 of the Animal Health Protection Act (R.S.Q., chapter P-42).

The register must be kept at the slaughterhouse for at least one year from the date of the last entry.

13. The provisions of the Regulation respecting food apply to the holder of a transitional slaughterhouse permit to the extent that they are consistent with this chapter, except those of Division 1.3, section 6.2.4, Division 6.3 other

than sections 6.3.5.2 and 6.3.5.5 and the third paragraph of section 6.3.5.7, paragraph *f* of section 6.4.2.1, section 6.4.2.6, paragraph *a* of section 6.4.3.3 as regards conveyors and overhead rails, and Division 6.5.

Sections 6.4.1.1, 6.4.1.17 and 6.4.2.7 of the regulation must be read as if “preserving room” were replaced by “preserving area”.

14. The holder of a transitional slaughterhouse permit must install and maintain a notice bearing the following inscription in public view in the meat preparation plant: “Notice: Meat and meat products sold here are derived from animals not slaughtered and processed under permanent inspection.” The permit holder must also inform any buyer who is unable to read the notice of the content of the notice.

If the permit holder also carries on a business as a restaurateur and serves meat or meat products derived from animals slaughtered at the slaughterhouse, the permit holder must inform the consumer of this by an indication on the menu or by some other means.

15. The Minister must, before 1 July 2010, issue or refuse to issue a permit applied for under section 3.

16. The Minister may impose any condition or restriction the Minister determines and specify it on the permit.

17. A transitional slaughterhouse permit expires 12 months after its issue; it may be renewed on the conditions specified in section 5 in the case of a first renewal and section 7 in the case of a second renewal.

To obtain a renewal, the permit holder must apply to the Minister in writing at least 30 days before the expiry date of the permit. The application for renewal must be submitted with the fee prescribed, made payable to the Minister of Finance, and must contain the information required under the first paragraph of section 3.

18. No transitional slaughterhouse permit may be issued for a slaughterhouse that is already being operated under a permit issued under subparagraph *a* of the first paragraph of section 9 of the Food Products Act.

19. The holder of a transitional slaughterhouse permit must notify the Minister as soon as the permit holder ceases to operate permanently or suspends operations; in the latter case, the notice must specify the duration of the suspension.

The permit holder must also inform the Minister within 15 days of any change affecting the information provided with the permit or permit renewal application.

20. A person whose transitional slaughterhouse permit has been cancelled may no longer obtain such a permit.

In addition, a period of six months following the cancellation must have expired before the person may be issued a new permit under subparagraph *a* or *a.1* of the first paragraph of section 9 of the Food Products Act for the operation of a slaughterhouse covered by the cancelled permit or a permit under section 1.3.5.B.1 of the Regulation respecting food for the operation of a meat preparation plant covered by the cancelled permit.

21. Despite section 12 of the Food Products Act, the Minister may authorize the transfer of a transitional slaughterhouse permit for the operation of the slaughterhouse and, if applicable, the meat preparation plant for which it was issued, subject to the conditions or restrictions the Minister determines.

The new permit holder must comply with the conditions or restrictions determined by the Minister, provide the information required under the first paragraph of section 3 and pay the file opening fee prescribed under section 22.

Such a transfer does not suspend the validity period of the permit; it continues to run from the date of its issue or renewal to the former permit holder. The permit may be renewed in accordance with section 5 in the case of a first renewal and section 7 in the case of a second renewal.

22. Every application for a transitional slaughterhouse permit carries a non-refundable file opening fee of \$109.

23. The fee payable for a transitional slaughterhouse permit is \$284.

The fee prescribed in the first paragraph is increased by \$13 for each self-service hot or cold unit, as defined in paragraph *k* of section 1.1.1 of the Regulation respecting food, in excess of five, used to display food in the meat preparation plant.

The fee payable under this section is non-refundable.

24. The fees payable under this chapter are adjusted on 1 April every year as of 1 April 2010, according to the change in the all-items Consumer Price Index for Canada established by Statistics Canada for the 12-month period ending on 30 September of the previous year. The fees are reduced to the nearest dollar when they include a dollar fraction under \$0.50, and increased to the nearest dollar when they include a dollar fraction equal to or over \$0.50.

The Minister informs the public of the results of the adjustments under this section by publishing them in Part I of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.

25. From the date of its issue, a person's transitional slaughterhouse permit replaces the permit issued under paragraph 1 or 2 of section 1.3.5.B.1 of the Regulation respecting food that the person already holds for the operation of a plant that prepares meat or meat products derived from animals slaughtered in a slaughterhouse that the person was until then operating without a permit.

In such a case, the fee prescribed in section 23 is reduced in proportion to the number of months remaining before the permit so replaced was to expire.

26. The Minister may set the slaughtering schedule of a slaughterhouse operated under a transitional slaughterhouse permit to ensure the inspection under section 33.0.0.1 of the Food Products Act is carried out.

27. The holder of a transitional slaughterhouse permit who has obtained a second renewal must, in order to continue operating the slaughterhouse concerned, apply for a permit under subparagraph *a* or *a.1* of the first paragraph of section 9 of the Food Products Act 30 days before the transitional slaughterhouse permit expires and obtain it before the transitional slaughterhouse permit expires.

28. The Food Products Act applies to this chapter.

CHAPTER II

AMENDING PROVISIONS

29. Section 7 of the Food Products Act (R.S.Q., chapter P-29) is amended by inserting "*a.1*," after "*a*,".

30. Section 9 of the Act, amended by section 3 of chapter 53 of the statutes of 1983, section 5 of chapter 80 of the statutes of 1990 and section 13 of chapter 26 of the statutes of 2000, is again amended

(1) by inserting the following subparagraph after subparagraph *a* of the first paragraph:

“(a.1) operate a local slaughterhouse;”;

(2) by adding “, unless the person holds a permit required under subparagraph *a.1*” after “remuneration” at the end of subparagraph *m* of the first paragraph;

(3) by inserting "*a.1*," after “subparagraph *a*,” in subparagraph *n.3* of the first paragraph;

(4) by striking out the third paragraph.

31. Section 32 of the Act is amended by inserting “veterinarians,” after “inspectors,”.

32. Section 32.1 of the Act is amended by replacing “the documents or information necessary to ascertain that a product is in conformity with the provisions of this Act or the regulations” in the first paragraph by “any document or information relevant to the carrying out of this Act”.

33. Section 33 of the Act is amended

- (1) by inserting “, animal” after “product” in paragraph 2;
- (2) by inserting “or animal” after “product” in paragraph 3;
- (3) by inserting “animal,” after “product,” in paragraph 4.

34. The Act is amended by inserting the following section after section 33:

“33.0.0.1. Every authorized person may enter a slaughterhouse at any reasonable time and conduct, for as long as is necessary, a sanitary inspection of animals before and after they are slaughtered, and of the carcasses or parts of such animals. The authorized person may also, when conducting an inspection,

- (1) take specimens free of charge;
- (2) prohibit the slaughtering of animals or subject it to certain conditions;
- (3) seize or confiscate animals, animal carcasses or animal parts if the person has reasonable cause to believe they are unfit for human consumption; and
- (4) order the destruction of animals, animal carcasses or animal parts, or determine how they are to be disposed of.

The slaughterhouse operator is required to lend assistance to the authorized person in carrying out an inspection.”

35. Section 33.0.1 of the Act is amended by striking out “under a regulation made pursuant to paragraph *c.3* or *c.5* of section 40”.

36. Section 33.1 of the Act is amended by inserting “, animal” after “any product” and “, animal” after “such product” in the first paragraph.

37. Section 34 of the Act is amended by replacing “subparagraphs *a, b* and *c*” by “subparagraphs *a, a.1, b* and *c* of the first paragraph” and by inserting “or their inspection under section 33.0.0.1” after “permit holder”.

38. Section 40 of the Act is amended

- (1) by striking out paragraph *i*;
- (2) by replacing paragraph *l* by the following paragraph:

“(*l*) define any expression used in this Act;”.

39. Section 45 of the Act is amended by inserting “the second paragraph of section 33.0.0.1 and sections” after “3.5,” in paragraph 1.

40. Section 45.2 of the Act is amended by inserting “or *a.1*” after “subparagraph *a*”.

CHAPTER III

TRANSITIONAL PROVISIONS APPLICABLE TO LOCAL SLAUGHTERHOUSES

41. Until 1 July 2014 or any earlier date set by the Government, the conditions for the issue or renewal of a permit required under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act (R.S.Q., chapter P-29) and the operational standards that apply to the holder of such a permit are provided for in this chapter.

Despite the first paragraph, the Government may, in view of health and safety or socio-economic factors, make regulations prescribing conditions for the issue or renewal of a permit or operational standards that differ from those prescribed by this chapter.

The Government must, by regulation and not later than 1 July 2010, change the number of meat preparation plants that a local-slaughterhouse permit holder may operate.

42. A permit under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act authorizes the permit holder to operate a slaughterhouse and a plant where meat or meat products are prepared exclusively to be sold at retail in that plant, or a slaughterhouse where slaughter services are provided for remuneration and a plant where meat or meat products may be prepared for remuneration for the personal consumption of a customer to whom slaughter services have been provided.

43. To obtain a permit under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act, the applicant’s slaughterhouse must be laid out so as to preserve the safety of products and the sanitary conditions of the operation. It must have, in addition to the rooms, areas, equipment and systems described in sections 4 to 7,

- (1) a slaughtering room comprising a slaughtering area and a dressing area;

(2) a ventilated room or area for receiving animals that is designed so as to prevent falls and injuries to animals and, if the animals received are of a species other than birds or rabbits, that is equipped with drinking and feeding facilities;

(3) knife sterilization equipment in the slaughtering and dressing areas; and

(4) a restraining cage in the slaughtering area for cattle, horses and animals of other species as is required when rendering such animals unconscious.

The applicant's meat preparation plant must have the equipment described in subparagraphs 1 to 3 of the third paragraph of section 4.

44. An application for a permit under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act must be filed with the Minister in writing, contain the information required under the first paragraph of section 3 and be submitted with the file opening fee prescribed by section 22, made payable to the Minister of Finance, and with the plans and specifications described in section 1.3.1.2 of the Regulation respecting food (R.R.Q., 1981, chapter P-29, r. 1). Before a permit is issued, the applicant must have paid the permit fee to the Minister of Finance.

Despite the first paragraph, applicants who hold a transitional slaughterhouse permit are exempted from paying the file opening fee.

45. An application for a renewal of the permit required under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act must be filed with the Minister in writing before the expiry date of the permit, contain the information required under the first paragraph of section 3 and be submitted with the prescribed fee, made payable to the Minister of Finance.

46. The fee payable for the issue or renewal of the permit required under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act is \$600.

The fee prescribed in the first paragraph is increased by \$13 for each self-service hot or cold unit, as defined in paragraph *k* of section 1.1.1 of the Regulation respecting food, in excess of five, used to display food in the meat preparation plant.

The fee payable under this section is non-refundable.

47. The fees payable under this chapter are adjusted on 1 April every year from 1 April 2010, according to the change in the all-items Consumer Price Index for Canada established by Statistics Canada for the 12-month period

ending on 30 September of the previous year. The fees are reduced to the nearest dollar when they include a dollar fraction under \$0.50, and increased to the nearest dollar when they include a dollar fraction equal to or over \$0.50.

The Minister informs the public of the results of the adjustments under this section by publishing them in Part I of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.

48. Sections 8 to 14, 18 and 19 and section 1.3.1.10 of the Regulation respecting food apply, with the necessary modifications, to the holder of a permit under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act.

CHAPTER IV

PENAL PROVISIONS

49. A person who contravenes

(1) any of sections 8, 9, 11, 12 and 14,

(2) a condition or restriction specified on the person's permit in accordance with section 16 or 21, or

(3) a regulation under section 41,

is liable to a fine of \$1,000 to \$6,000 and, for any subsequent contravention, to a fine of \$3,000 to \$18,000.

50. A person who contravenes section 10 is liable to a fine of \$2,000 to \$15,000 and, for any subsequent contravention, to a fine of \$6,000 to \$45,000.

51. A person who contravenes section 19 is liable to a fine of \$250 to \$2,000 and, for any subsequent contravention, to a fine of \$750 to \$6,000.

52. A person who incites another person to commit an offence or participates in an offence committed by another person is liable to the same penalties as are prescribed for the offender.

53. If a legal person commits an offence, any officer, director, partner, employee or mandatary of the legal person who prescribed, authorized, consented to, acquiesced in or participated in the offence is deemed to be a party to it and is liable to the penalties prescribed for the offence, whether or not the legal person has been prosecuted or convicted.

CHAPTER V

FINAL PROVISIONS

54. Chapters I, III and IV cease to have effect on or before 1 July 2014.

55. The Minister must, not later than 1 July 2012, report to the Government on the carrying out of this Act, specifically section 8, and on the advisability of maintaining or amending this Act.

The report is tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

56. This Act comes into force on 1 July 2009, except paragraph 3 of section 30, which comes into force on the date of coming into force of subparagraph *n.3* of the first paragraph of section 9 of the Food Products Act, introduced by paragraph 5 of section 13 of the Act to amend the Agricultural Products, Marine Products and Food Act and other legislative provisions (2000, chapter 26).

