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**Summary**

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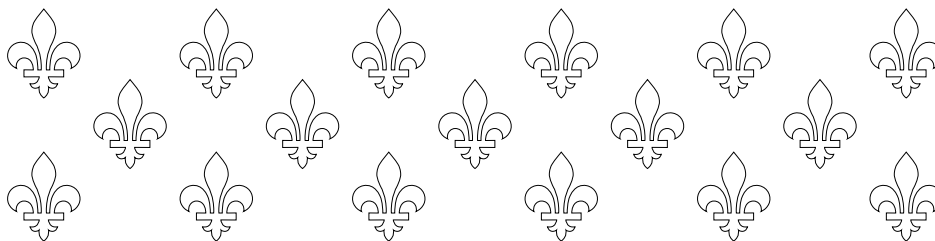
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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 36  
(2001, chapter 60)

## **Public Health Act**

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**Introduced 19 June 2001**  
**Passage in principle 22 November 2001**  
**Passage 19 December 2001**  
**Assented to 20 December 2001**

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## EXPLANATORY NOTES

*The object of this bill is to provide for the protection of public health and the establishment of conditions favourable to the maintenance and enhancement of the health and welfare of the population.*

*The bill proposes the adoption by the Minister of Health and Social Services of a national public health program, and the adoption of regional action plans by regional health boards and local action plans by institutions whose mission includes the operation of a local community service centre. The program and action plans are to provide the framework for the various public health functions, namely ongoing public health surveillance, health promotion, the prevention of disease, trauma and social problems that have an impact on the health of the population, and public health protection in the event of a threat from any biological, chemical or physical agent likely to cause an epidemic within the population.*

*The bill assigns the functions relating to ongoing public health surveillance to the Minister of Health and Social Services and the public health directors exclusively, so that the evolution of the health status of the population may be monitored to allow among other things for emerging problems and priority problems to be detected or identified. The bill provides for regular surveys of the population in relation to sociological or health-related matters affecting public health, and for the implementation of information collecting systems.*

*In the area of health promotion and prevention, it is expressly affirmed in the bill that the Minister is the advisor of the Government in matters of public health and that the Minister must be consulted in relation to the development of the measures provided for in the Acts or regulations which could have significant impact on the health of the population. The bill grants the Minister of Health and Social Services and the public health directors the power to initiate a concerted action process between the various resources capable of having an influence on situations that may present problems of avoidable morbidity, disability and mortality within the population. The bill proposes the elimination of the current statutory obligation to fluoridate drinking water but retains the Minister's powers to subsidize the fluoridation of drinking water supply systems.*

*As concerns vaccination, the bill proposes the creation of a registry in which all vaccinations received by the population, with the consent of the persons vaccinated, will be registered. It removes the powers of the Government to order compulsory vaccination on the making of a regulation, although that possibility will remain open to the Government should there be a national health emergency. The existing statutory system of compensation for bodily injury caused by vaccination is retained under the bill.*

*In matters of public health protection, the bill maintains the principle contained in the existing Act whereby certain diseases are reportable and others are subject to mandatory treatment. Certain disease prevention rules are consequently imposed, such as isolation if a disease constitutes a serious threat to the health of the population. The bill also imposes on certain persons the obligation to report to the appropriate health director any situation threatening public health.*

*To further ensure the protection of the health of the population, the Minister of Health and Social Services and the regional health directors are granted the necessary investigative powers and authority to act so as to prevent a threat to the health of the population from becoming more serious and to decrease or eliminate its impact. The Government is also granted the power to declare a public health emergency in all or any part of Québec if the protection of the health of the population requires immediate action to counter a situation of extreme gravity.*

*More generally, the bill provides for the creation of a public health ethics committee composed of members appointed by the Government. The Minister will have the authority to make a regulation establishing registries for the purposes of clinical preventive care or public health protection, and public health authorities will be required to adhere to rules governing the confidentiality of the information to which they have access within the scope of their functions.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) ;
- Health Insurance Act (R.S.Q., chapter A-29) ;
- Cities and Towns Act (R.S.Q., chapter C-19) ;
- Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1) ;

- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Public Health Protection Act (R.S.Q., chapter P-35);
- Animal Health Protection Act (R.S.Q., chapter P-42);
- Act respecting health services and social services (R.S.Q., chapter S-4.2).



## Bill 36

### PUBLIC HEALTH ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### CHAPTER I

##### OBJECT

**1.** The object of this Act is the protection of the health of the population and the establishment of conditions favourable to the maintenance and enhancement of the health and well-being of the general population.

**2.** Certain measures in this Act are intended to enable public health authorities to engage in public health monitoring activities and to give public health authorities the power to take action in cases where the health of the population is threatened.

In this Act, a threat to the health of the population means the presence within the population of a biological, chemical or physical agent that may cause an epidemic if it is not controlled.

For the purposes of this Act, the public health authorities include the Minister of Health and Social Services, the national public health director appointed under the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) and the public health directors appointed under the Act respecting health services and social services (R.S.Q., chapter S-4.2).

**3.** Other measures in this Act pertain to the prevention of disease, trauma and social problems having an impact on the health of the population and the means of exerting a positive influence on major health determinants, in particular through trans-sectoral coordination.

These measures are intended to maintain and promote physical health and the mental and social capacities of persons to remain active within their environment.

**4.** Other measures in this Act provide for the ongoing surveillance of the health status of the general population and of health determinants so as to measure their evolution and be able to offer appropriate services to the population.

The provisions of this Act concerning ongoing surveillance of the health status of the population do not apply to research and knowledge development activities carried out in the sector of health or social services, in particular, by the Institut national de santé publique du Québec.

**5.** Public health actions must be directed at protecting, maintaining or enhancing the health status and well-being of the general population and shall not focus on individuals except insofar as such actions are taken for the benefit of the community as a whole or a group of individuals.

**6.** This Act is binding on the Government, on government departments and on bodies that are mandataries of the State.

## **CHAPTER II**

### **NATIONAL PUBLIC HEALTH PROGRAM AND REGIONAL AND LOCAL PUBLIC HEALTH ACTION PLANS**

**7.** In accordance with health and welfare policies, the Minister shall develop a national public health program that provides a framework for national, regional and local public health activities.

The Minister shall assess the outcomes of the program and update it regularly. The Minister shall ensure national and interregional coordination of the program.

**8.** The national public health program must contain orientations, objectives and priorities relating to

(1) ongoing surveillance of the health status of the population and of health determinants;

(2) the prevention of diseases, trauma and social problems that have an impact on the health of the population;

(3) the promotion of systemic measures capable of fostering the enhancement of the health and well-being of the population;

(4) the protection of the health of the population and the relevant health monitoring activities.

The Minister may add orientations, objectives and priorities that relate to any other aspect of public health which the Minister considers necessary or relevant to include in the program.

The Minister shall, in developing the components of the program that relate to prevention and promotion, focus, insofar as possible, on the most effective actions as regards health determinants, more particularly actions capable of having an influence on health and welfare inequalities in the population and

actions capable of decreasing the risk factors affecting, in particular, the most vulnerable groups of the population.

**9.** The national public health program may also

(1) include a list of specific actions to be taken or services to be provided to the population and specify the manner in which such actions or services are to be carried out or provided;

(2) identify the outcomes to be achieved within a specific time;

(3) establish an ethical framework or ethical guidelines that must be complied with in the implementation of the national public health program or regional and local action plans;

(4) provide for the development of the public health workforce.

**10.** The national public health program shall define the parameters of the periodic national and regional reports on the population health status that must be produced and made public in concerted fashion by the Minister and public health directors.

The parameters must enable, as far as possible, a comparison of the health outcomes obtained throughout Québec and in the territories of the different regional boards and, at the regional level, a comparison of the health outcomes obtained in the territories served by institutions operating a local community service centre.

The national report on the health status of the population shall be prepared by the national public health director in collaboration with the public health directors and with the support of the Institut national de santé publique du Québec. The report shall be submitted to the Minister, who shall make it public and ensure its dissemination.

The regional reports shall be prepared by each of the public health directors with the support of the Institut national de santé publique du Québec and shall be made public and disseminated in each region by the regional director.

**11.** The regional boards must, in collaboration with, in particular the institutions that operate a local community service centre in their territory, develop, implement, evaluate and regularly update a regional public health action plan.

A regional action plan must be consistent with the prescriptions of the national public health program and must take into account the specific characteristics of the population living in the territory of the regional board.

**12.** The regional action plan must include a plan providing for the mobilization of the resources of the health and social services institutions in the territory concerned whenever such resources are needed by the public health director to conduct an epidemiological investigation or to take the measures considered necessary to protect the health of the population if it is threatened.

**13.** The regional action plan may provide that certain activities will be carried out or certain services will be offered to the population by other resources than public health departments or institutions operating a local community service centre. The plan must take into account the services and care offered by physicians practising in the regional board's territory.

The regional board shall specify, in the regional service organization plan prepared under the Act respecting health services and social services, the responsibilities it entrusts to the health and social services institutions in its territory for the purposes of the regional public health action plan.

**14.** Each health and social services institution operating a local community service centre shall develop, implement, evaluate and regularly update a local public health action plan. The plan must be developed in collaboration with, in particular the community organizations concerned.

The local plan must be consistent with the prescriptions of the national public health program and must define the measures to be taken at the local level to achieve the objectives identified in the regional action plan, having regard for the specific characteristics of the population served by the institution.

**15.** Before implementing a regional public health plan, the regional board must consult the people's forum created under section 343.1 of the Act respecting health services and social services and the various resources concerned by the plan.

**16.** The national public health program and the regional and local public health action plans must contain reporting mechanisms and a framework for the assessment of outcomes.

**17.** Each regional board must deposit its regional public health action plan with the Minister before implementing it, and each institution operating a local community service centre must deposit its local public health action plan with the regional board concerned before implementing it.

**18.** The Minister shall ensure coordination between the health and social services network and the Institut national de santé publique du Québec created under the Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1) as regards the delivery of the required public health services to the population and the carrying out of public health activities, as provided in the national public health program.

The Minister shall also ensure that public health activities to be carried out pursuant to this chapter shall, where they concern health issues in the work environment, be developed in collaboration with the Commission de la santé et de la sécurité du travail.

### CHAPTER III

#### PUBLIC HEALTH ETHICS COMMITTEE

**19.** A public health ethics committee is hereby established under the name “Comité d’éthique de santé publique”.

**20.** The main function of the ethics committee is to give its opinion on the ethical aspect of the proposed surveillance plans and on the proposed surveys on health and social issues submitted to it by the Minister and public health directors.

The committee may, in particular, give its opinion on

(1) the object of ongoing surveillance and the indicators or health determinants selected for a surveillance plan or a proposed survey ;

(2) the type of information it will be necessary to collect, the sources of information to be used and the analytic study envisaged.

**21.** The ethics committee may at the Minister’s request give its opinion on any ethical question that may arise in the application of this Act, in particular, on the activities or actions provided for in the national public health program or in regional or local public health action plans.

**22.** The opinions of the ethics committee are public, subject to the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

**23.** The ethics committee shall be composed of the following members, appointed by the Government, on the recommendation of the Minister after the sectors concerned have been consulted :

(1) one ethicist ;

(2) three representatives of the population having an interest in the work of the committee and having no professional ties to the health and social services system ;

(3) one public health director ;

(4) two professionals practising in the public health sector, one of whom in ongoing public health surveillance.

The Government may also appoint two other members to the ethics committee where the Government considers that their expertise would be relevant to the work of the committee.

**24.** One person designated by the national public health director shall attend the meetings of the ethics committee and shall have the right to speak.

**25.** The members of the ethics committee shall be appointed for a term not exceeding four years. At the end of their term, they shall remain in office until replaced or reappointed.

**26.** The members of the ethics committee shall choose a chair and a vice-chair from among their number; the vice-chair shall chair the ethics committee when the chair is absent or unable to act.

**27.** The person designated by the national public health director to attend the meetings of the ethics committee shall act as the secretary of the committee.

**28.** The quorum at meetings of the ethics committee is a majority of its members, including the chair or, where applicable, the vice-chair.

In the case of a tie-vote, the chair has the casting vote.

**29.** The ethics committee may make by-laws concerning its internal management.

**30.** The fees and allowances of the members of the ethics committee shall be fixed by the Government, as shall the fees of the consultants and experts consulted by the ethics committee.

**31.** The Ministère de la Santé et des Services sociaux shall pay the fees and allowances referred to in section 30.

It shall also, within the scope of its resources, pay for the administrative support needed by the ethics committee to carry out its work.

**32.** The ethics committee shall provide the Minister with any information required by the Minister concerning its activities, within the time and in the form indicated by the Minister.

## **CHAPTER IV**

### **ONGOING SURVEILLANCE**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**33.** Ongoing surveillance of the health status of the population and of health determinants shall be carried out so as to

- (1) obtain an overall picture of the health status of the population ;
- (2) monitor trends and temporal and spatial variations ;
- (3) detect emerging problems ;
- (4) identify major problems ;
- (5) develop prospective scenarios of the health status of the population ;
- (6) monitor the development within the population of certain specific health problems and of their determinants.

**34.** Ongoing surveillance of the health status of the population is a function conferred exclusively on the Minister and the public health directors.

However, the Minister may confer on the Institut national de santé publique du Québec the mandate to exercise all or part of the Minister's surveillance function or certain surveillance activities, on the conditions and to the extent the Minister considers appropriate. The Minister may also confer such a mandate on a third person, but in such a case, the mandate must first be submitted to the Commission d'accès à l'information for an opinion.

**35.** The Minister and the public health directors, each for their own purpose, shall develop plans for the surveillance of the health status of the population which specify the purpose and objects of the surveillance, the personal or non-personal information it will be necessary to collect, the proposed sources of information, and the analytic study necessary to be able to exercise their surveillance function. Where the Minister confers certain surveillance activities or part of the Minister's surveillance function on a third person, the surveillance plan must so provide.

**36.** The proposed surveillance plans must be submitted to the ethics committee for an opinion.

Where a surveillance plan provides for the communication of personal information which is within the purview of the Commission d'accès à l'information under the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) or where the Commission must examine a mandate conferred by the Minister under section 34 of this Act, a copy of the opinion of the ethics committee must be forwarded to the Commission.

**37.** The Minister and each public health director must periodically re-evaluate the necessity of maintaining each of their surveillance plans or of making changes to them.

**38.** The Minister and the public health directors may require physicians, public or private medical laboratories, health and social services institutions,

any government department or any body to provide them with the information necessary for a surveillance plan, in a form that does not allow the persons to whom the information relates to be identified but that enables such information to be obtained for each area served by a health and social services institution operating a local community service centre, each municipality, each borough or each ward.

## **DIVISION II**

### **SURVEYS ON HEALTH AND SOCIAL ISSUES**

**39.** Periodic surveys on health and social issues shall be conducted to gather the recurrent information necessary for ongoing surveillance of the health status of the population.

**40.** The Minister may personally conduct such surveys or ensure that the information collected in the course of surveys conducted by other resources is transmitted to the Minister or made available to the public health directors.

**41.** Where the Minister chooses to conduct a national survey for the purposes of ongoing surveillance of the health status of the population, the Minister shall determine the survey's objectives after consulting the public health directors.

**42.** The carrying out of national surveys shall be entrusted to the Institut de la statistique du Québec created under the Act respecting the Institut de la statistique du Québec (R.S.Q., chapter I-13.011), which shall comply with the objectives determined by the Minister.

Public health directors may conduct regional surveys on health and social issues.

**43.** Surveys on health and social issues conducted for the purposes of surveillance of the health status of the population must first be submitted to the ethics committee for an opinion.

However, the Minister may exempt a proposed national survey from that requirement if the ethical review of that survey is conducted by the ethics committee of the Institut de la statistique du Québec.

## **CHAPTER V**

### **COLLECTION OF INFORMATION AND REGISTRIES**

**44.** The Minister shall establish and maintain, in particular for the purposes of ongoing surveillance of the health status of the population, a system for the collection of sociological and health-related personal or non-personal information on births, stillbirths and deaths; the mechanics of the system shall be fixed by regulation.



**45.** The physician or midwife or, if there is no physician or midwife, any person assisting a woman during childbirth must complete a certificate of birth for the purposes of this Act.

**46.** An institution that maintains a facility in which a death occurs must cause a certificate of death to be drawn up by a physician, for the purposes of this Act.

Where a death occurs elsewhere than in a facility maintained by an institution, the last physician who treated the person shall fill out the certificate of death. If the physician is not accessible, the certificate of death may be drawn up by another physician, a nurse or a coroner. If no person acting in any of such capacities is available within a radius of 16 kilometres, the certificate of death may be drawn up by two persons of full age.

Where a death is the subject of an investigation and, where applicable, of an inquest under the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2), the certificate of death shall be drawn up by the coroner.

Where the remains of a person who died outside Québec are transported into Québec, the certificate of death shall be drawn up by the funeral director transporting the remains, unless the case falls within the competence of the coroner.

**47.** The Minister may also establish and maintain, in particular for the purposes of ongoing surveillance of the health status of the population, systems for the collection of data and personal and non-personal information on the prevalence, incidence and distribution of health problems and in particular on problems having significant impacts on premature mortality and on morbidity and disability; the particulars of the system shall be fixed by regulation.

**48.** The certificates, data or information referred to in sections 45, 46 and 47 shall be transmitted to the Minister in accordance with the regulations of the Minister.

**49.** The Minister may, for the purposes of clinical preventive care or the protection of the health of the population, make regulations establishing registries in which personal information on certain health services or health care received by the population is recorded.

The regulations shall specify the services or care that must be recorded in the registries, the personal information that must be furnished, in what circumstances and by what health professionals, and who will have access to such personal information and for what purposes.

The regulations shall provide that the consent of the person receiving the services or care is required both for the recording of the information in the

registry and for allowing third persons to have access to the information, and the regulations must enable a person to remove all or part of the information that relates to him or her from a registry.

The regulations may, however, provide for the recording of certain information in a registry or allow access to certain information without the consent of the person to whom the information relates, where the refusal of that person could endanger the health of other persons. In such a case, the person concerned may not require the removal of the information that relates to him or her from the registry.

**50.** Draft regulations establishing the registries provided for in section 49 must be submitted to the Commission d'accès à l'information for an opinion. Should the Commission give an unfavourable opinion, the draft regulations may not be adopted by the Minister except with the approval of the Government.

The opinion of the Commission and the approval of the Government must be tabled in the National Assembly within thirty days of the approval if the Assembly is sitting or, if it is not sitting, within thirty days of the opening of the next session, or of resumption.

**51.** From the time a regulation of the Minister made under section 49 becomes effective, the health professionals to whom the regulation applies are required to record the information specified in the regulation in the registry so established, in the manner and within the time limits prescribed in the regulation.

**52.** The Minister may personally assume the management of the data collection systems or the registries established under this chapter or entrust the management of the systems and registries to another public body pursuant to an agreement.

## **CHAPTER VI**

### **HEALTH PROMOTION AND PREVENTION**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**53.** The Minister, public health directors and institutions operating a local community service centre may, each at the appropriate level of intervention, for the purpose of preventing disease, trauma and social problems that have an impact on the health of the population and influencing population health determinants positively,

- (1) organize public information and awareness campaigns ;
- (2) promote and support preventive health care practice among health care professionals ;

(3) identify and assess situations involving health risks within the population;

(4) establish mechanisms providing for concerted action between various resources able to act on situations that may cause problems of avoidable morbidity, disability and mortality;

(5) promote health and the adoption of public social policies capable of fostering the enhancement of the health and welfare of the population among the various resources whose decisions or actions may have an impact on the health of the general population or of certain groups;

(6) support actions which, within a community, foster the creation of a living environment conducive to health and well-being.

**54.** The Minister is by virtue of his or her office the advisor of the Government on any public health issue. The Minister shall give the other ministers any advice he or she considers advisable for health promotion and the adoption of policies capable of fostering the enhancement of the health and welfare of the population.

In the Minister's capacity as government advisor, the Minister shall be consulted in relation to the development of the measures provided for in an Act or regulation that could have significant impact on the health of the population.

**55.** Where a public health director becomes aware of the existence or fears the occurrence in the region of a situation putting the population or a group of individuals at high risk of avoidable mortality, disability or morbidity and, in the director's opinion, effective solutions exist for the reduction or elimination of those risks, the director may formally request the authorities whose intervention appears useful to participate in the search for a solution adapted to the circumstances.

Authorities who receive such an invitation are required to participate in the search for a solution.

Where one of the authorities is a department or body of the Government, the public health director may not formally request their participation without first notifying the national public health director.

**56.** The Minister may at all times choose to personally exercise the power provided for in section 55, in collaboration with the public health director or directors concerned.

## DIVISION II

### FLUORIDATION OF DRINKING WATER

**57.** Every owner of a water treatment plant that fluoridates the water it supplies must monitor the quality of the fluoridation to ensure it meets the optimum fluoride concentration prescribed by regulation of the Minister to prevent tooth decay.

**58.** The Minister may, by regulation, set standards as regards the procedure for monitoring the quality of drinking water fluoridation.

**59.** The national public health program must include actions designed to encourage the fluoridation of water.

**60.** The Minister may, to the extent the Minister considers appropriate, grant a subsidy to every owner of a water treatment plant who applies therefor, to cover the costs of purchasing, housing, installing or repairing a fluoridation system and the cost of the fluoride used.

The Minister may subject the granting of the subsidy to the conditions considered appropriate.

## CHAPTER VII

### VACCINATION

#### DIVISION I

##### VACCINATION REGISTRY

**61.** The Minister shall cause a registry to be kept to record the vaccinations carried out in Québec. The Minister may personally assume the management of the registry or entrust the management to another public body pursuant to an agreement.

**62.** All vaccinations received by a person shall be recorded in the registry, provided the person consents thereto in the manner set out in sections 63 to 65.

**63.** A person's consent to the recording in the registry of the vaccinations received must be given in writing. Such consent shall remain valid for all subsequent vaccinations the person may receive, whatever the type of vaccine.

However, a person may, at any time, withdraw his or her consent in writing and require the manager of the registry to remove from the registry, and destroy, all personal information that relates to him or her. Any subsequent administration of a vaccine to that person may be recorded in the registry only if that person again consents thereto in writing.

**64.** A person may also, without withdrawing the general consent given pursuant to section 63, request in writing that a type of vaccine being administered by a health professional not be recorded in the vaccination registry.

The request is valid for all additional doses of the vaccine the person may subsequently receive, but does not preclude the recording in the registry of any other vaccine received by the person.

**65.** A person may, at any time, consent in writing to the transmission to the manager of the registry, for recording purposes, of all or part of the information held by a health professional in relation to the vaccinations the person has received, in or outside Québec.

**66.** Written information on the vaccination registry must be available in all places where vaccines are administered, to be distributed to vaccinated persons.

**67.** Access to personal information contained in the registry shall be granted to persons applying therefor to the extent and for the purposes hereinafter described:

- (1) to a vaccinated person, as regards information that relates to the person;
- (2) to a vaccinator who verifies the vaccination history of a person before administering a vaccine, provided the person receiving the vaccine has consented thereto;
- (3) to the national public health director, where the director has been informed that a particular lot of vaccine provides inadequate protection and he or she considers that the persons who have received the vaccine must be traced;
- (4) to a public health director having received an unusual clinical manifestation report pursuant to section 69, for the epidemiological investigation of that case in the region and of any similar case that may occur in respect of that type of vaccine;
- (5) to a public health director who, within the scope of an epidemiological investigation, wishes to assess the vaccination status of persons who may have been in contact with a communicable infectious agent;
- (6) to institutions operating a local community service centre for the purposes of interventions promoting vaccination in respect of the persons in their territories who have given prior consent to such access being granted or, on the same conditions, to the appropriate public health director, where an agreement has been signed between the director and such an institution whereby such promotional activities are carried out by the public health department.

Subject to the first paragraph, access to such information in all other circumstances is subject to the provisions of sections 17 to 28 of the Act respecting health services and social services, with the necessary modifications.

**68.** Subject to sections 62 to 65, every person who administers a vaccine must, in the manner and within the time limits prescribed by regulation of the Minister, record in the registry the name of the person to whom the vaccine has been administered, the name of the vaccine used, the lot number of the vaccine, the dose received, the date and place of vaccination and the health insurance number of the person who has received the vaccine. The person administering the vaccine must also provide any other information prescribed by regulation of the Minister.

The Minister may, in the regulation, prescribe that in a given region or territory, vaccination data are collected, recorded in the registry, transmitted or made accessible by a health and social services institution or a regional board on behalf of the Minister or the manager of the registry.

## **DIVISION II**

### **REPORTING OF UNUSUAL CLINICAL MANIFESTATIONS**

**69.** Any physician or nurse who observes an unusual clinical manifestation, temporally associated with vaccination, in a person having received a vaccine or a contact of that person and who suspects a link between the vaccine and the unusual clinical manifestation must report the situation to the appropriate public health director as soon as possible.

The physician or nurse must provide the name and health insurance number of the person in whom the unusual clinical manifestation was observed and the name and health insurance number of the person who was vaccinated, if not the same. The physician or nurse must also provide the public health director with a brief description of the event observed and any other information prescribed by regulation of the Minister.

Any unusual reaction to a vaccine on the part of a person who has agreed to participate in the vaccine registration procedure must be recorded in the registry by the physician or nurse in the manner and within the time limits prescribed in the regulation of the Minister made under section 68.

## **DIVISION III**

### **COMPENSATION FOR VICTIMS OF VACCINATION**

**70.** In this division, unless the context indicates otherwise,

(1) “victim” means the vaccinated person, a person having contracted the disease from a vaccinated person, the foetus of either of such persons or, if a death occurs, the person who is entitled to a death benefit;

(2) “bodily injury” means any serious permanent physical or mental injury, or death.

**71.** The Minister shall compensate, regardless of responsibility, any victim of bodily injury caused by a voluntary vaccination against a disease or infection identified in the regulation made by the Government under section 137 or a vaccination imposed pursuant to section 123.

In either case, the vaccination must have taken place in Québec.

**72.** The rules prescribed in the Automobile Insurance Act (R.S.Q., chapter A-25) and the regulations thereunder apply to the computation of the compensation provided for in section 71, with the necessary modifications.

**73.** Entitlement to compensation under this division is prescribed three years after the date of vaccination and, in the case of a death benefit, three years after the date of death.

However, where an injury becomes apparent gradually, the time limit runs only from the day the injury first becomes apparent.

**74.** The victim may institute civil proceedings against any person who is liable for the bodily injury.

**75.** The Minister is subrogated by operation of law to the rights and actions of the victim against the person liable for the bodily injury up to the amount of compensation paid by the Minister or of the capital representing the pension to be paid by the Minister.

**76.** Any claimant who believes he or she has been wronged by a decision of the Minister pursuant to section 71 or 72 may, within 60 days of the date of notification of the decision, contest the decision before the Administrative Tribunal of Québec.

**77.** A proceeding before the Administrative Tribunal of Québec does not suspend the payment of compensation paid as a pension.

**78.** The sums necessary for the purposes of this division shall be taken out of the consolidated revenue fund.

## CHAPTER VIII

### REPORTABLE INTOXICATIONS, INFECTIONS AND DISEASES

**79.** The Minister shall, by regulation, draw up a list of intoxications, infections and diseases that must be reported to the appropriate public health director and, in certain cases provided for in the regulation, to the Minister or to both the public health director and the national public health director.

**80.** The list may include only intoxications, infections or diseases that are medically recognized as capable of constituting a threat to the health of a population and as requiring vigilance on the part of public health authorities or an epidemiological investigation.

**81.** The report must indicate the name and address of the person affected and contain any other personal or non-personal information prescribed by regulation of the Minister. The report must be transmitted in the manner, in the form and within the time prescribed in the regulation.

**82.** The following persons are required to make the report in the cases provided for in the regulation of the Minister:

(1) any physician who diagnoses an intoxication, infection or disease included in the list or who observes the presence of clinical manifestations characteristic of any of those intoxications, infections or diseases in a living or deceased person ;

(2) any chief executive officer of a private or public laboratory or of a medical biology department, where a laboratory analysis conducted in the laboratory or department under his or her authority shows the presence of any reportable intoxications, infections or diseases.

## **CHAPTER IX**

### **COMPULSORY TREATMENT AND PROPHYLACTIC MEASURES FOR CERTAIN CONTAGIOUS DISEASES OR INFECTIONS**

#### **DIVISION I**

##### **CONTAGIOUS DISEASES OR INFECTIONS AND COMPULSORY TREATMENT**

**83.** The Minister may, by regulation, draw up a list of the contagious diseases or infections for which any person affected is obligated to submit to the medical treatments required to prevent contagion.

The list may include only contagious diseases or infections that are medically recognized as capable of constituting a serious threat to the health of a population and for which an effective treatment that would put an end to the contagion is available.

**84.** Any physician who observes that a person is likely suffering from a disease or infection to which this division applies must take, without delay, the required measures to ensure that the person receives the care required by his or her condition, or direct the person to a health and social services institution able to provide such treatments.



**85.** In the case of certain diseases or infections identified in the regulation, any health or social services institution having the necessary resources must admit as an emergency patient any person suffering or likely to be suffering from one of those diseases or infections. If the institution does not have the necessary resources, it must direct the person to an institution able to provide the required services.

**86.** Any physician who becomes aware that a person who is likely suffering from a disease or infection to which this division applies is refusing or neglecting to submit to an examination must notify the appropriate public health director as soon as possible.

Such a notice must also be given by any physician who observes that a person is refusing or neglecting to submit to the required medical treatment or has discontinued a treatment that must be completed to prevent contagion or a recurrence of contagion.

**87.** Any public health director who receives a notice under section 86 must make an inquiry and, if the person refuses to be examined or to submit to the appropriate treatment, the public health director may apply to the Court for an order enjoining the person to submit to such examination or treatment.

**88.** A judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is to be found may, if the judge believes on reasonable grounds that the protection of the health of the population so warrants, order the person to submit to an examination and receive the required medical treatment.

In addition, the judge may, if the judge believes on serious grounds that the person will refuse to submit to the examination or to receive the treatment, order that the person be taken to an institution maintained by a health or social services institution for examination and treatment. The provisions of section 108 apply to that situation, with the necessary modifications.

## **DIVISION II**

### **COMPULSORY PROPHYLACTIC MEASURES**

**89.** The Minister may, for certain contagious diseases or infections medically recognized as capable of constituting a serious threat to the health of a population, make a regulation setting out prophylactic measures to be complied with by a person suffering or likely to be suffering from such a disease or infection, as well as by any person having been in contact with that person.

Isolation, for a maximum period of 30 days, may form part of the prophylactic measures prescribed in the regulation of the Minister.

The regulation shall prescribe the circumstances and conditions in which specific prophylactic measures are to be complied with to prevent contagion.

It may also require certain health or social services institutions to admit as an emergency patient any person suffering or likely to be suffering from one of the contagious diseases or infections to which this section applies, as well as any person who has been in contact with that person.

**90.** Any health professional who observes that a person is omitting, neglecting or refusing to comply with the prophylactic measures prescribed in the regulation made under section 89 must notify the appropriate public health director as soon as possible.

The director must make an inquiry and, if the person refuses to comply with the necessary prophylactic measures, the director may apply to the Court for an order enjoining the person to do so.

The provisions of section 88 apply to that situation, with the necessary modifications.

The director may also, in the case of an emergency, use the powers conferred by section 103, and sections 108 and 109 apply to such a situation.

**91.** Despite any decision of the Court ordering the isolation of a person, isolation must cease as soon as the attending physician, after consulting the appropriate public health director, issues a certificate to the effect that the risk of contagion no longer exists.

## CHAPTER X

### REPORTING TO PUBLIC HEALTH AUTHORITIES

**92.** Government departments and bodies and local municipalities must report to the appropriate public health director or to the national public health director any threats to the health of the population that come to their knowledge or any situations which cause them to believe on reasonable grounds that the health of the population is threatened.

**93.** Any physician who suspects the presence of a threat to the health of the population must notify the appropriate public health director.

Health and social services institutions must report to the appropriate public health director any situation where they believe on reasonable grounds that there exists a threat to the health of the persons who are present in their facilities.

**94.** The directors of institutions or establishments constituting work environments or living environments, such as a business establishment, an educational institution, a childcare centre and other childcare facilities, a house of detention and transition housing may report to the appropriate public health director any situation which they have cause to believe constitutes a threat to the health of the persons who are present in those places. A health

professional practising in such an institution or establishment may also report such a situation to the public health director.

**95.** Reporting a situation under this chapter does not authorize the person making the report to disclose personal or confidential information unless, after evaluating the situation, the public health authority concerned requires such information in the exercise of the powers provided for in Chapter XI.

The provisions of this chapter shall not be construed as authorizing a government department, a body, a local municipality, a health and social services institution, a physician, the director of an institution or establishment or a health professional to report a threat to the health of the population arising from a sexually transmitted biological agent.

## **CHAPTER XI**

### **POWERS OF PUBLIC HEALTH AUTHORITIES AND THE GOVERNMENT IN THE EVENT OF A THREAT TO THE HEALTH OF THE POPULATION**

#### **DIVISION I**

#### **EPIDEMIOLOGICAL INVESTIGATIONS BY PUBLIC HEALTH DIRECTORS**

**96.** A public health director may conduct an epidemiological investigation in any situation where the public health director believes on reasonable grounds that the health of the population is or could be threatened and, in particular,

(1) where the director receives a report of an unusual clinical manifestation following a vaccination under section 69;

(2) where the director receives a report of an intoxication, infection or disease to which Chapter VIII applies;

(3) where the director receives a notice under Chapter IX to the effect that a person is refusing, omitting or neglecting to be examined or treated or to comply with compulsory prophylactic measures;

(4) where the director receives a report under Chapter X.

**97.** Where during an epidemiological investigation, a public health director is of the opinion that he or she is unable to intervene effectively or within the time required to complete the investigation or to protect the health of the population, the director may implement the resource mobilization plan of the territory's health or social services institutions that was included in the regional public health action plan, and, in that case, the institutions are required to comply with the director's instructions.

**98.** A public health director who becomes aware during an epidemiological investigation that a government department, a local municipality or a body has, and may exercise, under another Act, a municipal by-law or an agreement, the inspection, inquiry or investigation powers necessary to ascertain the presence of a biological, chemical or physical agent that constitutes a threat to the health of the population must notify the government department, local municipality or body concerned of the situation and request it to proceed.

In those circumstances, the public health director's epidemiological investigation shall be continued, but only the government department, local municipality or body concerned may exercise its inquiry, investigation or inspection powers, in particular, with respect to the premises, animals or substances in respect of which it has jurisdiction. The results obtained must be communicated as soon as possible to the public health director and the latter may require the immediate communication of any information necessary to enable the public health director's investigation to be continued.

A public health director who becomes aware that a government department, a local municipality or a body refuses to exercise its own powers, or delays in doing so, must notify the national public health director.

**99.** A public health director who becomes aware during an epidemiological investigation that a threat to the health of the population appears to have its origin in a facility maintained by a health or social services institution or in a deficient practice within such an institution must notify the director of professional services or, if there is no such director, the executive director.

If there is a council of physicians, dentists and pharmacists or a council of nurses within the institution, the director of professional services or, if there is no such director, the executive director must immediately inform the councils of the situation reported by the public health director.

The public health director must also inform the national public health director of the situation, and the Minister may, if the Minister considers it necessary, request the public health director to also continue the epidemiological investigation underway in the institution.

The institution must as soon as possible take all measures required to inspect its facilities and review its practices and, if necessary, correct the situation. The measures taken must be communicated without delay to the public health director and to the Minister.

**100.** Subject to section 98, a public health director may, where required within the scope of an epidemiological investigation,

(1) require that every substance, plant, animal or other thing in a person's possession be presented for examination;

(2) require that a thing in a person's possession be dismantled or that any container under lock and key be opened;

(3) carry out or cause to be carried out any excavation necessary in any premises;

(4) have access to any premises and inspect them at any reasonable time;

(5) take or require a person to take samples of air or of any substance, plant, animal or other thing;

(6) require that samples in a person's possession be transmitted for analysis to the Institut national de santé publique du Québec or to another laboratory;

(7) require any director of a laboratory or of a private or public medical biology department to transmit any sample or culture the public health director considers necessary for the purposes of an investigation to the Institut national de santé publique du Québec or to another laboratory;

(8) order any person, any government department or any body to immediately communicate to the public health director or give the public health director immediate access to any document or any information in their possession, even if the information is personal information or the document or information is confidential;

(9) require a person to submit to a medical examination or to furnish a blood sample or a sample of any other bodily substance, if the public health director believes on reasonable grounds that the person is infected with a communicable biological agent.

**101.** The powers granted to a public health director by paragraph 4 of section 100 may not be exercised to enter a private residence without the consent of the occupant, unless the director has obtained a court order authorizing such entry.

A judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality in which the residence is situated may grant the order if the judge is of the opinion that the protection of the health of the population warrants it.

**102.** Except if the person concerned gives consent, the powers provided for in paragraph 9 of section 100 shall not be exercised by a public health director unless he or she has obtained a court order to that effect.

The provisions of section 88 apply to such a situation, with the necessary modifications.

**103.** A public health director may, at any time during an epidemiological investigation, as a precautionary measure, order a person to remain in isolation for a maximum period of 72 hours or to comply with certain specific directives so as to prevent contagion or contamination.

An isolation order may be issued, however, by the public health director only if the director believes on reasonable grounds that the person has been in contact with a communicable biological agent that is medically recognized as capable of seriously endangering the health of the population. The provisions of sections 108 and 109 apply to an isolation order issued under this section.

**104.** Every owner or possessor of a thing or occupant of premises must, at the request of a public health director, provide all reasonable assistance and furnish all information necessary to enable the director to conduct an epidemiological investigation.

**105.** Subject to the provisions of section 135, any public health director who becomes aware that a person is neglecting or refusing to cooperate in the investigation, objects to the director exercising a power granted to the director by section 100 or refuses to comply with directives given under section 103 may apply to a judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is to be found, for the issuing of an order.

The judge shall issue any order considered appropriate in the circumstances.

**106.** Where, during an investigation, a public health director is of the opinion that there exists a real threat to the health of the population, the director may

(1) order the closing of premises or give access thereto only to certain persons or subject to certain conditions, and cause a notice to be posted to that effect ;

(2) order the evacuation of a building ;

(3) order the disinfection, decontamination or cleaning of premises or of certain things and give clear instructions to that effect ;

(4) order the destruction of an animal, plant or other thing in the manner the director indicates, or order that certain animals or plants be treated ;

(5) order the cessation of an activity or the taking of special security measures if the activity presents a threat for the health of the population ;

(6) order a person to refrain from being present for the time indicated by the public health director in an educational institution, work environment or other place of assembly if the person has not been immunized against a contagious disease an outbreak of which has been detected in that place ;

(7) order the isolation of a person, for a period not exceeding 72 hours indicated by the public health director, if the person refuses to receive the treatment necessary to prevent contagion or if isolation is the only means to prevent the communication of a biological agent medically recognized as capable of seriously endangering the health of the population ;

(8) order a person to comply with specific directives to prevent contagion or contamination;

(9) order any other measure the public health director considers necessary to prevent a threat to the health of the population from worsening or to decrease the effects of or eliminate such a threat.

Notwithstanding the provisions of the first paragraph, the public health director may also use the powers conferred by subparagraphs 1 and 2 of that paragraph as a precautionary measure, if the public health director believes on reasonable grounds that there exists a threat to the health of the persons present in those premises or that building.

**107.** Notwithstanding the provisions of section 106, a public health director may not use a power provided for in that section to prevent a threat to the health of the population from worsening or to decrease the effects of or eliminate such a threat if a government department, a local municipality or a body has the same power and is able to exercise it.

The provisions of section 98 apply in those circumstances, with the necessary modifications.

**108.** An order issued by the public health director under subparagraph 7 of the first paragraph of section 106 is sufficient to require any person, including a peace officer, to do everything reasonably possible to locate and apprehend the person whose name appears in the order and take him or her to the place indicated therein or to a health or social services institution chosen by the public health director.

A person or peace officer acting under this section may not, however, enter a private residence without the consent of the occupant or without obtaining a court order authorizing such entry.

Any person who is apprehended must be informed immediately of the reasons for the isolation order, the place where he or she is being taken and of his or her right to communicate with an advocate.

The health or social services institution that receives the person pursuant to an order of the public health director or the court must admit the person as an emergency patient.

**109.** A person may not be maintained in isolation pursuant to an order of the public health director for more than 72 hours without the person's consent or without a court order.

A public health director may apply to a judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person in respect of whom the isolation order has been made is to be found, for an order enjoining that person to

comply with the public health director's order and to remain in isolation for a maximum period of 30 days.

The judge may grant the order if, in the judge's opinion, terminating the isolation would create a serious threat to the health of the population and, in the circumstances, isolation is the only effective means to protect the health of the population. The judge may also grant an order requiring the person to receive the treatment capable of eliminating any risk of contagion where such treatment is available, or make any order considered appropriate.

Notwithstanding a court order, a person's isolation must cease as soon as the attending physician, after consulting the appropriate public health director, issues a certificate to the effect that the risks of contagion no longer exist.

**110.** Except as regards the provisions of subparagraph 7 of the first paragraph of section 106, where a person refuses to comply with an order of the public health director issued under section 106, the public health director may apply to a judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where that person is to be found, for an order enjoining the person to comply with the public health director's order.

The judge may grant the order if, in the judge's opinion, there exists a threat to the health of the population and the order of the public health director is appropriate. The judge may also make any amendment to the order that appears reasonable in the circumstances.

**111.** Every application to a judge under this division or under section 87 or 90 shall be made by means of a motion by the public health director or any other person the public health director has specifically authorized, presented in accordance with the provisions of the first paragraph of article 763 of the Code of Civil Procedure (R.S.Q., chapter C-25).

Such a motion shall be served on the person concerned, but the judge may exempt the applicant from serving a motion if the judge considers that the resulting delay could needlessly endanger the health of the population.

Every motion shall be decided by preference, and every order issued shall be enforceable despite an appeal. However, a judge of the Court of Appeal may suspend the enforcement of an order if the judge considers it necessary in the interests of justice.

Every order issued shall be served personally on the person concerned and may be enforced by a peace officer.

An order may, if necessary, be issued against a parent or tutor or other person having legal custody of the person concerned.



**112.** Where the person subject to an order of the public health director is a minor, the order must also be addressed to one of the minor's parents or, if applicable, to the minor's tutor, or if there is no parent or tutor, to any person having legal custody of the minor, and the parent, tutor or guardian must ensure that the order is complied with.

**113.** A public health director may personally exercise the powers provided for in this division or may specifically authorize certain persons to exercise certain powers on behalf of the public health director.

**114.** A public health director may on request be accompanied by a peace officer for any part of an investigation.

**115.** A public health director must, on request, provide identification and show a certificate of capacity issued by the Minister.

Every person specifically authorized by a public health director to act for the purposes of an investigation must also, on request, provide identification and show a certificate of capacity issued by the public health director.

## **DIVISION II**

### **POWERS OF THE MINISTER**

**116.** The Minister may choose to coordinate the actions of several public health directors or to exercise, with the necessary modifications, certain or all of the powers granted to the public health director by Chapter IX or Division I of this chapter

(1) where the national public health director informs the Minister that he or she has received a report concerning an intoxication, infection or disease to which Chapter VIII applies ;

(2) where the Minister is informed of a situation that is likely to constitute a real or apprehended threat for the population of two or more regions ;

(3) where the Minister is informed of a situation that is likely to constitute a real or apprehended threat for the population and it is necessary to inform health authorities outside Québec.

In those circumstances, the Minister shall act with the assistance of the national public health director, and the orders and instructions given by the national public health director must be carried out in the same manner as those given by the Minister.

**117.** The Minister may, at the request of a public health director or the national public health director, mobilize the resources of any health or social services institution in Québec which the Minister considers necessary to respond to a public health emergency.

In such a case, the health or social services institutions concerned are required to comply with the Minister's directives.

### **DIVISION III**

#### **PUBLIC HEALTH EMERGENCY**

**118.** The Government may declare a public health emergency in all or part of the territory of Québec where a serious threat to the health of the population, whether real or imminent, requires the immediate application of certain measures provided for in section 123 to protect the health of the population.

**119.** A public health emergency declared by the Government is effective for a maximum period of 10 days at the expiry of which it may be renewed, as many times as necessary, for a maximum period of 10 days or, with the consent of the National Assembly, for a maximum period of 30 days.

If the Government is unable to meet immediately, the Minister may declare a public health emergency for a maximum period of 48 hours.

**120.** Upon a declaration of a public health emergency, the nature of the threat, the area concerned and the effective period of the public health emergency must be specified. The Minister may be authorized to exercise one or more of the powers specified in section 123.

**121.** The public health emergency is effective as soon as it is declared or renewed. The text declaring or renewing the public health emergency shall be published in the *Gazette officielle du Québec* and the Minister must cause it to be published and disseminated by the most efficient means available to ensure that the populations concerned are rapidly informed.

**122.** The National Assembly may, in accordance with its rules of procedure, vote to disallow the declaration of a public health emergency or any renewal thereof.

The disallowance takes effect on the day the motion is passed.

Notice of the disallowance shall be promptly published and disseminated by the Secretary General of the National Assembly by the most efficient means available to ensure that the populations concerned are rapidly informed. It shall also be published by the Secretary General in the *Gazette officielle du Québec*.

**123.** Notwithstanding any provision to the contrary, while the public health emergency is in effect, the Government or the Minister, if he or she has been so empowered, may, without delay and without further formality, to protect the health of the population,

- (1) order compulsory vaccination of the entire population or any part of it against smallpox or any other contagious disease seriously threatening the health of the population and, if necessary, prepare a list of persons or groups who require priority vaccination ;
- (2) order the closing of educational institutions or of any other place of assembly ;
- (3) order any person, government department or body to communicate or give to the Government or the Minister immediate access to any document or information held, even personal or confidential information or a confidential document ;
- (4) prohibit entry into all or part of the area concerned or allow access to an area only to certain persons and subject to certain conditions, or order, for the time necessary where there is no other means of protection, the evacuation of persons from all or any part of the area or their confinement and, if the persons affected have no other resources, provide for their lodging, feeding, clothing and security needs ;
- (5) order the construction of any work, the installation of sanitary facilities or the provision of health and social services ;
- (6) require the assistance of any government department or body capable of assisting the personnel deployed ;
- (7) incur such expenses and enter into such contracts as are considered necessary ;
- (8) order any other measure necessary to protect the health of the population.

The Government, the Minister or another person may not be prosecuted by reason of an act performed in good faith in or in relation to the exercise of those powers.

**124.** The declaration of a public health emergency does not prevent the public health authorities from exercising the powers granted to them under other provisions of this Act.

While a public health emergency is in effect, the Minister shall act with the assistance of the national public health director, and the orders and instructions given by the national public health director must be carried out in the same manner as those given by the Minister.

**125.** Where compulsory vaccination is ordered under section 123, the Minister shall make the necessary vaccines available and ensure that the required health services are offered.

The Minister shall bear the costs related to the dispensing of the health services that are required for the vaccines to be administered and, where applicable, the costs for acquiring those vaccines.

**126.** If a person fails to submit to a vaccination ordered under section 123, a judge of the Court of Québec or of the municipal courts of the cities of Montréal, Laval or Québec having jurisdiction in the locality where the person is to be found may order the person to submit to the vaccination.

In addition, the judge may, if satisfied on reasonable grounds that the person will not submit to the vaccination and if of the opinion that the protection of public health warrants it, order that the person be taken to a specific place to be vaccinated.

**127.** An order under section 126 is obtained on a motion by the public health authority or a person authorized by such authority to file such a motion.

Section 111 applies, for the purposes of this section, with the necessary modifications.

**128.** The Government may terminate the public health emergency as soon as it considers that it is no longer necessary.

A notice must be published and disseminated by the most efficient means available to ensure that the population concerned is rapidly informed.

Moreover, the decision must be published in the *Gazette officielle du Québec*.

**129.** The Minister shall table an event report in the National Assembly within three months after the end of the public health emergency or, if the Assembly is not in session, within 15 days of resumption.

The report shall specify the nature and, if determined, the cause of the threat to the health of the population which gave rise to the declaration of a public health emergency, the duration of the declared emergency as well as the measures implemented and the powers exercised under section 123.

**130.** The sums required by the Government or the Minister in exercising the powers conferred on them by this division shall be taken out of the consolidated revenue fund.

## CHAPTER XII

### PROTECTION OF INFORMATION

**131.** The regional boards shall ensure that all personal and confidential information obtained by public health directors in the exercise of their functions under Chapters VIII, IX and XI is kept by the public health department in such

manner as to preserve its confidentiality and that the persons having access to the information in the exercise of their functions undertake under oath not to disclose or communicate the information without being duly authorized to do so.

Such confidentiality undertaking shall be periodically renewed.

The regional boards must do likewise in respect of the reports received under section 69.

**132.** A public health director and the persons exercising their functions for the public health department of a regional board may not communicate the information referred to in section 131 except pursuant to an order of the Court or of a coroner in the exercise of a coroner's functions, or with the consent of the persons to whom the information relates.

They may, however, communicate any information necessary in the following cases and circumstances and subject to the following conditions :

(1) to the resources of a health or social services institution that have been mobilized by a public health director under section 97 or to a peace officer acting at the request of the director ;

(2) to the public health director of another region if a real or apprehended health threat is likely to affect the population of that director's region ;

(3) to the national public health director where the situation is such that it could entail the application of Division II or Division III of Chapter XI or require that certain information be communicated or disclosed with the authorization of the national public health director in accordance with section 133 ;

(4) to a government department, a local municipality, a body, a health and social services institution or to the national public health director or the Minister, for the purposes of their intervention in any situation described in section 98, 99 or 107.

Subject to the first two paragraphs, access to such information in all other circumstances is subject to the provisions of sections 17 to 28 of the Act respecting health services and social services, with the necessary modifications.

**133.** Notwithstanding section 132, the national public health director may authorize the communication or disclosure, subject to the conditions specified by the national public health director, of personal or confidential information received by the national public health director from a public health director if the national public health director believes on reasonable grounds that the health of the population is threatened and that the circumstances require such communication or disclosure to protect the health of the population.

The national public health director may also communicate such information to any health authority outside Québec if the communication is necessary to protect the health of that authority's population or forms part of the stipulations of an agreement with that health authority.

**134.** The provisions of sections 131, 132 and 133 apply, with the necessary modifications, to personal and confidential information obtained by the Minister or the national public health director in the exercise of their functions under this chapter or Chapters VIII and XI.

**135.** For the purposes of the communication or transmission of information or documents and for the exercise of the rights of access provided for in section 98, paragraph 8 of section 100 or subparagraph 3 of the first paragraph of section 123, the public health authorities have the powers of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

### CHAPTER XIII REGULATIONS

**136.** In addition to the regulatory powers already provided for by other provisions of this Act, the Minister may make regulations to

(1) specify the content of the certificates of birth, stillbirth and death which must be transmitted to the Minister under sections 44 to 46 and 48 and the rules relating to their transmission, preservation and use;

(2) specify the content of the reports or opinions that must be transmitted to the Minister where a system for the collection of data and information is established by the Minister under section 47, determine what persons must provide the data and information and fix the rules relating to their transmission, preservation and use;

(3) establish the consent forms that must be used where a registry is established under section 49;

(4) fix the terms and conditions for the updating of data and information collected under Chapter V;

(5) determine the non-nominative information to be transmitted to the Minister by public health directors in respect of the reports, notices or opinions received by the directors under Chapter VII, VIII, IX or XI, the time limits within which and the form in which it must be transmitted;

(6) determine to which public health director a laboratory or medical biology department director providing services to more than one region must address reports, and establish the cases or circumstances in which any report, notice or opinion received by a public health director must be transmitted to

the director of another region, and the responsibilities of each person in those cases or circumstances;

(7) establish standards concerning the disinfection or decontamination of persons, premises or things having been in contact with certain biological, chemical or physical agents, to avoid contagion or contamination;

(8) establish forms, and determine the means of communication to be used or security standards to be complied with whenever information is transmitted under this Act;

(9) establish any other measure the Minister considers necessary for the administration of this Act.

**137.** The Government shall, by regulation,

(1) determine the conditions that must be met by a person claiming compensation under Division III of Chapter VII and establish the list of vaccines for which compensation may be paid;

(2) establish a list of criteria the Minister must comply with in drawing up, by regulation, a list of intoxications, infections or diseases under section 79, 83 or 89;

(3) specify the framework within which management agreements may be entered into pursuant to sections 52 and 61 and fix the conditions that must be complied with before the management may be assumed.

## CHAPTER XIV

### PENAL PROVISIONS

**138.** The following persons are guilty of an offence and are liable to a fine of \$600 to \$1,200:

(1) any physician or nurse who fails to make a report required under section 69;

(2) any physician or chief executive officer of a public or private laboratory or medical biology department who fails to make a report required under section 82;

(3) any physician who fails to give a notice required under section 86;

(4) any health professional who fails to give a notice required under section 90.

**139.** Any person who, within the scope of application of Chapter XI, impedes or hinders the Minister, the national public health director, a public

health director or a person authorized to act on their behalf, refuses to obey an order they are entitled to give, refuses to give access to or communicate the information or documents they are entitled to require, or conceals or destroys documents or other things relevant to the exercise of their functions is guilty of an offence and is liable to a fine of \$1,000 to \$6,000.

**140.** Any person who reports or provides false, incomplete or misleading information or a document that is incomplete or contains false or misleading information in order to deceive the Minister, the national public health director, a public health director or a person authorized to act on their behalf is guilty of an offence and is liable to a fine of \$1,000 to \$6,000.

Penal proceedings for an offence under the first paragraph are prescribed one year after the prosecutor is apprised of the commission of the offence. However, proceedings may not be instituted more than five years after the commission of the offence.

**141.** Any person who assists or who incites, advises, encourages, allows, authorizes or orders another person to commit an offence under this Act is guilty of an offence.

A person convicted of an offence under this section is liable to the same penalty as that provided for the offence the person assisted or incited another person to commit.

**142.** In the case of a second or subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.

## CHAPTER XV

### AMENDING, TRANSITIONAL AND FINAL PROVISIONS

#### DIVISION I

##### AMENDING PROVISIONS

**143.** Section 31 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is amended by replacing “in section 47 of the Public Health Protection Act (chapter P-35)” in the fifth and sixth lines of paragraph 6 by “in section 46 of the Public Health Act (2001, chapter 60)”.

**144.** Section 67 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting the following paragraph before the last paragraph:

“Neither does it prohibit the communication of information, in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information, to the Minister of Health and Social Services, a public health director, the Institut national de santé publique du Québec or a third person referred to in



the second paragraph of section 34 of the Public Health Act (2001, chapter 60), where such information is needed to implement a surveillance plan established in accordance with that Act.”

**145.** Section 413 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing “the Public Health Protection Act (chapter P-35)” at the end of subparagraph 1 of the first paragraph by “the Public Health Act (2001, chapter 60)”;

(2) by replacing “the Public Health Protection Act” at the end of subparagraph 2 of the first paragraph by “the Public Health Act”.

**146.** Section 4 of the Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1), amended by section 106 of chapter 24 of the statutes of 2001, is again amended by replacing “public health program established under section 431 of the Act respecting health services and social services (chapter S-4.2)” at the end of the last paragraph by “national public health program established under the Public Health Act (2001, chapter 60)”.

**147.** Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “section 16.7 of the Public Health Protection Act” in paragraph 5 of section 5 by “section 76 of the Public Health Act (2001, chapter 60)”.

**148.** Section 5.1 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2), enacted by section 108 of chapter 24 of the statutes of 2001, is amended by adding the following paragraph at the end:

“The Minister may delegate to the national public health director functions or powers granted to the Minister under the Public Health Act (2001, chapter 60).”

**149.** The title of the Public Health Protection Act (R.S.Q., chapter P-35) is replaced by the following title:

“AN ACT RESPECTING MEDICAL LABORATORIES, ORGAN, TISSUE, GAMETE AND EMBRYO CONSERVATION, AMBULANCE SERVICES AND THE DISPOSAL OF HUMAN BODIES”.

**150.** Section 1 of the said Act is amended

(1) by replacing ““disease that must be declared” means a disease determined by regulation that must be declared in accordance with this Act” in subparagraph *d* of the first paragraph by ““reportable disease” means an infection, intoxication or disease that must be reported to the national public health director or a public health director under Chapter VIII of the Public Health Act (2001, chapter 60)”;

(2) by striking out subparagraphs *e, f, g* and *l* of the first paragraph.

**151.** Section 2 of the said Act is amended by striking out subparagraphs *a, b, d, e* and *f* of the first paragraph.

**152.** Divisions III, III.1 and IV and Division V of the said Act, comprising sections 4 to 24 and 25 to 30, are repealed.

**153.** The heading of Division VIII of the said Act is replaced by the following heading:

“TRANSPORTATION OF HUMAN BODIES”.

**154.** Sections 45 to 47, 49 and 50 of the said Act are repealed.

**155.** Section 51 of the said Act is amended by inserting “drawn up under the Public Health Act” after “certificate of death”.

**156.** Section 62 of the said Act is amended by replacing “contemplated in section 47” by “required under the Public Health Act”.

**157.** Section 66 of the said Act is amended by striking out the second paragraph.

**158.** Section 69 of the said Act is amended

(1) by striking out subparagraphs *e, f, g* and *g.1* of the first paragraph;

(2) by striking out “ensure the disinfection of premises where persons or animals having diseases transmissible to man have stayed and” in subparagraph *k* of the first paragraph.

**159.** Section 72 of the said Act is repealed.

**160.** 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 and amended by section 2 of chapter 37 of the statutes of 2001, is again amended by replacing “Division IV or Division IV.1 of the Public Health Protection Act (chapter P-35)” in the second paragraph by “Division IV.1 of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies (chapter P-35), Chapter XI of the Public Health Act (2001, chapter 60)”.

**161.** Section 19 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by replacing “or” in the fourth line by “;”;

(2) by adding “or where information is communicated for the purposes of the Public Health Act (2001, chapter 60)” at the end.

**162.** Section 80 of the said Act is amended by adding the following paragraph at the end:

“The mission of such a centre is also to carry out public health activities in its territory, in accordance with the provisions of the Public Health Act.”

**163.** Section 371 of the said Act is replaced by the following section:

**“371.** Each regional board shall

(1) establish a public health department;

(2) ensure the security and confidentiality of the personal or confidential information obtained by a public health department in the exercise of its functions;

(3) entrust the management of the regional public health action plan provided for in the Public Health Act to the public health director appointed under section 372;

(4) organize services and allocate resources for the purposes of the regional public health action plan.”

**164.** Section 431 of the said Act, amended by section 82 of chapter 24 of the statutes of 2001, is again amended by striking out “establish the public health program,” in subparagraph 8 of the second paragraph.

**165.** Section 44 of the Regulation respecting legal aid, enacted by Order in Council 1073-96 (1996, G.O. 2, 3949) is amended

(1) by striking out paragraph 10 under the heading “Statutes of Québec”;

(2) by adding the following paragraph under the same heading:

“(12.1) The Public Health Act (2001, chapter 60);”.

**166.** From the date of assent to this Act, any reference to the Public Health Protection Act in any provision of an Act which has not been expressly amended by the provisions of this division shall be read as a reference to the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies, except in the case of section 17 of chapter 57 of the statutes of 1992.

**167.** In the French text of any Act or regulation, “directeur de la santé publique” is replaced by “directeur de santé publique”, and “direction de la santé publique” is replaced by “direction de santé publique”.

## DIVISION II

### TRANSITIONAL PROVISIONS

**168.** The systems of ongoing surveillance of the health status of the population already established by the Minister, public health departments or the Institut national de santé publique du Québec on 19 April 2002 shall be maintained as they now exist, even where they do not comply with one or several provisions of the new Act, but any modification that may be made to those systems must be made in conformity with the provisions of this Act.

**169.** The current form and procedures relating to the systems for gathering and analyzing data established under subparagraphs *d* and *e* of the first paragraph of section 2 of the Public Health Protection Act are maintained until they are modified, replaced or eliminated by a regulation of the Minister made under the provisions of this Act, except as regards data concerning marriages, divorces and annulments of marriage in respect of which transmission to the Minister shall cease upon the coming into force of sections 44 and 151.

**170.** Until the Minister makes a regulation under section 57 of this Act, the optimum concentration of fluoride in fluoridated drinking water is fixed at 1.2 milligrams per litre of water.

**171.** All the provisions of the Regulation respecting the application of the Public Health Protection Act (R.R.Q., 1981, chapter P-35, r.1) that concern matters to which this Act applies remain in force until replaced or repealed by a regulation made under this Act, but with the following exceptions:

(1) sections 16 and 17 of the regulation and the Return of Marriage form provided in Schedule 2 to the regulation are repealed;

(2) sexually transmitted diseases which, according to the existing regulation, must be declared on one of the forms reproduced in Schedules 12 and 13 of the regulation shall continue to be so declared until those forms are specifically repealed or replaced by a new regulation made by the Minister;

(3) venereal diseases, even if they must continue to be reported, are no longer subject to compulsory treatment.

**172.** Until the provisions of paragraphs 3 and 4 of section 371 of the Act respecting health services and social services, enacted by section 163, come into force, each regional board shall manage the public health program determined by the Minister and, for that purpose, establish priorities, organize services and allocate resources. The regional board may also, within the scope of its regional service organization plans and in conformity with the orientations

of the Minister, entrust activities relating to the public health program to the institutions it determines.

**173.** The motions introduced under sections 13 and following of the Public Health Protection Act up to the date of coming into force of the corresponding provisions of this Act shall be continued pursuant to the latter provisions.

The same applies to proceedings pending before the Administrative Tribunal of Québec under section 16.7 of the Public Health Protection Act.

**174.** The Minister may transfer to the vaccination registry, as soon as it becomes operational, the personal information collected with the authorization of the vaccinated persons by the Minister and the Institut national de santé publique du Québec during the meningococcal infection vaccination campaign of 2001-2002.

However, no other information concerning any other vaccine may be recorded in the registry without consent being obtained in accordance with the provisions of this Act.

**175.** In any regulation not specifically amended by this Act or in any directive or other document, a reference to the Public Health Protection Act shall be construed as a reference to the provisions of this Act if the context relates to a matter to which this Act applies, with the necessary modifications.

### **DIVISION III**

#### **FINAL PROVISIONS**

**176.** The Minister of Health and Social Services is responsible for the administration of this Act.

**177.** The provisions of this Act come into force on 19 April 2002, except

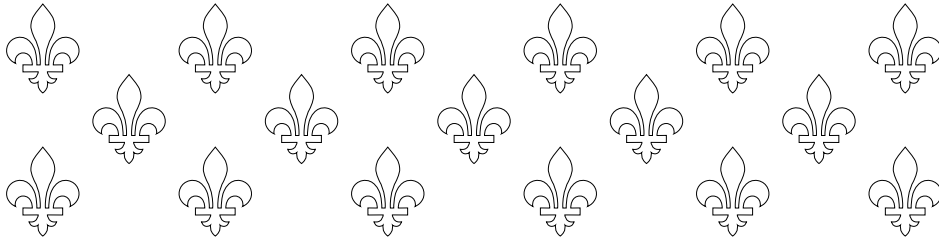
(1) Chapters XI and XII, except section 97, and sections 139 to 142, 149 and 166, which come into force on 20 December 2001 ;

(2) section 54, which comes into force on 18 June 2002 ;

(3) section 146, paragraphs 3 and 4 of section 371 of the Act respecting health services and social services, enacted by section 163 of this Act, and section 164 which come into force on the date fixed by the Government ;

(4) sections 7 to 17, 19 to 32, 61 to 68, and the words “as provided in the national public health program” in section 18, which come into force on the date or dates to be fixed by the Government.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 180  
(2001, chapter 78)

**An Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals**

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**Introduced 15 December 2000**  
**Passage in principle 30 May 2001**  
**Passage 19 December 2001**  
**Assented to 20 December 2001**

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**Québec Official Publisher**  
**2001**

## EXPLANATORY NOTES

*This bill introduces provisions primarily into the legislation pertaining to professional orders and the legislation respecting the protection of personal information to allow confidential information to be communicated without the consent of the person concerned in order to prevent an act of violence, including a suicide, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.*

*However, the bill prescribes that the communication of information must be limited to such information as is necessary to achieve the purposes for which the information is communicated and that the information may only be communicated to the person or persons who are exposed to the danger, to their representative or to persons who can come to their aid.*

*The bill also proposes certain related amendments in respect of youth protection.*

## LEGISLATION AMENDED BY THIS BILL :

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Professional Code (R.S.Q., chapter C-26);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Notarial Act (R.S.Q., chapter N-2);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);



- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Notaries Act (2000, chapter 44).



## Bill 180

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS AS REGARDS THE DISCLOSURE OF CONFIDENTIAL INFORMATION TO PROTECT INDIVIDUALS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** The Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by inserting the following section after section 59 :

**“59.1.** In addition to the cases referred to in section 59, a public body may also release nominative information, without the consent of the persons concerned, in order to prevent an act of violence, including suicide, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

The information may in such case be released to any person exposed to the danger or that person’s representative, and to any person who can come to that person’s aid.

The person exercising the highest authority in the public body must, by a directive, determine the terms and conditions according to which the information may be released by the personnel of the body. The personnel is required to comply with the directive.”

**2.** The said Act is amended by inserting the following section after section 60 :

**“60.1.** The public body that releases information pursuant to section 59.1 may only release such information as is necessary to achieve the purposes for which the information is released.

Where information is so released, the person in charge of the protection of personal information within the public body must record the release in a register kept by the person for that purpose.”

**3.** Section 63 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by adding the following paragraph at the end :

“However, a person referred to in the first paragraph may, in order to prevent an act of violence, including a suicide, release information in accordance

with the provisions of sections 59.1 and 60.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

**4.** Section 131 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended

(1) by adding “or where so ordered by law” at the end of subsection 2;

(2) by adding the following subsection at the end:

“(3) An advocate may, in addition, communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, where the advocate has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the advocate may only communicate the information to a person exposed to the danger or that person’s representative, and to the persons who can come to that person’s aid. The advocate may only communicate such information as is necessary to achieve the purposes for which the information is communicated.”

**5.** Section 60.4 of the Professional Code (R.S.Q., chapter C-26) is amended by adding the following paragraph at the end:

“The professional may, in addition, communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, where he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the professional may only communicate the information to a person exposed to the danger or that person’s representative, and to the persons who can come to that person’s aid. The professional may only communicate such information as is necessary to achieve the purposes for which the information is communicated.”

**6.** Section 87 of the said Code is amended by adding the following paragraph at the end:

“Such code must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4.”

**7.** Section 69 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 135 of chapter 26 of the statutes of 2001, is again amended

(1) by inserting the following paragraph after the second paragraph:

“A public servant may, in order to prevent an act of violence, including a suicide, communicate information under the conditions prescribed in

sections 59.1 and 60.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”;

(2) by replacing “third” in the first line of the fourth paragraph by “fourth”.

**8.** Section 72.3 of the said Act is amended by replacing “fourth” in the last line by “fifth”.

**9.** Section 15 of the Notarial Act (R.S.Q., chapter N-2) is amended by replacing paragraph *a* by the following paragraph:

“(a) not to divulge confidential knowledge acquired in the practice of the notarial profession, unless the notary

(1) is expressly or implicitly authorized to do so by those who made such confidences;

(2) is so ordered by law; or

(3) has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons and the information is communicated in order to prevent an act of violence, including a suicide. However, the notary may only communicate the information to a person exposed to the danger or that person’s representative, and to the persons who can come to that person’s aid. The notary may only communicate such information as is necessary to achieve the purposes for which the information is communicated;”.

**10.** Section 36 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by adding the following at the end:

“In addition, where the director has decided to act on the situation of a child brought to his attention in a case referred to in the first paragraph, the tribunal may, on request, authorize in writing the director or any person acting under section 32 to require that the director of professional services of an institution or any person designated by the executive director of the institution communicate any information of a medical or social nature that is contained in the record of a person, other than the child, referred to in the information brought to the attention of the director, and that is necessary to assess the situation of the child. The tribunal may grant the authorization, subject to the conditions it specifies, if it is satisfied on the basis of a sworn statement by the director or the person acting under section 32 that there is reasonable cause to believe that

(1) the life or security of the child concerned or of another child is threatened, and

(2) it is necessary, for the purpose of assessing the child’s situation, to have access to the information contained in the record of that person.”

**11.** Section 72.7 of the said Act is replaced by the following section:

**“72.7.** If there is reasonable cause to believe that the security or development of a child is in danger on any of the grounds set out in subparagraph *c* or *g* of the first paragraph of section 38, the director or the Commission, according to their respective powers, may, to ensure the protection of the child or of another child, report the situation to the Attorney General or to a police force without it being necessary to obtain the consent of the person to whom it relates or an order of the tribunal.

The provisions of this section apply notwithstanding section 72.5 of this Act and notwithstanding subparagraphs 1, 3 and 4 of the second paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

**12.** The said Act is amended by adding the following section after section 72.7:

**“72.8.** Notwithstanding section 72.5, the director or the Commission, as the case may be, may, in addition, in order to prevent an act of violence, including a suicide, communicate confidential information without it being necessary to obtain the consent of the person or persons concerned or an order of the tribunal, where there are reasonable grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

The information may in that case be communicated to any person exposed to the danger or that person’s representative, and to any person who can come to that person’s aid.

The director or the Commission, as the case may be, may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

The provisions of this section apply notwithstanding section 59.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

The executive director of an institution operating a child and youth protection centre must, by a directive, determine the terms and conditions according to which the information may be communicated by the director, the director’s personnel and the persons authorized to act under section 33. Those persons are required to comply with the directive.

The president of the Commission exercises the same powers in respect of the members of the personnel of the body, who are required to comply with the directive of the president.”

**13.** The Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is amended by inserting the following section after section 18:

**“18.1.** In addition to the cases referred to in section 18, a person who carries on an enterprise may also communicate personal information included in a file the person holds on another person, without the consent of the persons concerned, in order to prevent an act of violence, including a suicide, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

The information may in such case be communicated to any person exposed to the danger or that person’s representative, and to any person who can come to that person’s aid.

A person carrying on an enterprise who communicates information pursuant to this section may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

Where information is so communicated by a person carrying on an enterprise, the person must make an entry of the communication. That entry is part of the file.”

**14.** The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting the following section after section 19:

**“19.0.1.** Notwithstanding section 19, information contained in the record of a user may be communicated, in order to prevent an act of violence, including a suicide, without the consent of the user or the person authorized to give such consent on his behalf or an order of the court, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to the user, another person or an identifiable group of persons.

The information may in such case be communicated to any person exposed to the danger or that person’s representative, and to any person who can come to that person’s aid. The information may only be communicated by a person or a person belonging to a class of persons authorized by the director of professional services or, failing such a director, by the executive director of the institution.

The persons so authorized may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

The executive director of the institution must, by a directive, determine the terms and conditions according to which the information may be communicated. Every person authorized to communicate the information is required to comply with the directive.”

**15.** Section 7 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended

(1) by inserting the following paragraph after the first paragraph :

“However, information contained in the record of a beneficiary may be communicated, in order to prevent an act of violence, including a suicide, without the consent of the beneficiary or an order of the court, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to the beneficiary, another person or an identifiable group of persons. The information may in such case be communicated to any person exposed to the danger or that person’s representative, and to any person who can come to that person’s aid. The information may be communicated only by a person or a person belonging to a class of persons authorized by the director of professional services or, failing such a director, by the executive director of the institution. The persons so authorized may only communicate such information as is necessary to achieve the purposes for which the information is communicated. The executive director of the institution must, by a directive, determine the terms and conditions according to which the information may be communicated. Every person authorized to communicate the information is required to comply with the directive.”;

(2) by replacing “However” at the beginning of the second paragraph by “In addition”;

(3) by replacing “eighth” in the first line of the last paragraph by “ninth”.

**16.** The Notaries Act (2000, chapter 44) is amended by inserting the following section before section 15:

**“14.1.** A notary must keep absolutely secret the confidences made to him or her by reason of his or her profession.

Such obligation, however, shall not apply when the notary is expressly or implicitly relieved therefrom by the person who made such confidences or where so ordered by law.

A notary may, in addition, communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, where the notary has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the notary may only communicate the information to a person exposed to the danger or that person’s representative, and to persons who can come to that person’s aid. The notary may only communicate such information as is necessary to achieve the purposes for which the information is communicated.”

**17.** The Bureau of a professional order must, within a year following the date of coming into force of this section, adopt and transmit to the Office des



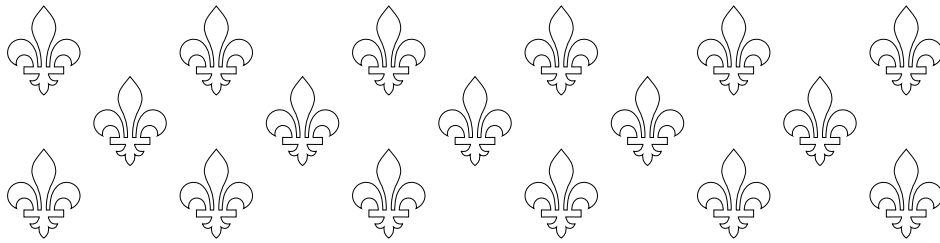
professions du Québec the regulatory provisions provided for in the second paragraph of section 87 of the Professional Code. If the Bureau fails to adopt and transmit the regulatory provisions within the prescribed time, the Office must recommend that the Government adopt the provisions in the place and stead of the Bureau.

The fact that the code of ethics of an order does not include provisions, setting out the terms and conditions applicable to the communication of information established pursuant to the second paragraph of section 87 of the Professional Code does not exempt a professional entered on the roll of that order from communicating the information.

**18.** The fact that no directive has been issued by a department or a body to determine the terms and conditions according to which confidential information may be communicated pursuant to section 59.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information, section 72.8 of the Youth Protection Act, section 19.0.1 of the Act respecting health services and social services and the second paragraph of section 7 of the Act respecting health services and social services for Cree Native persons does not dispense a person from communicating such information where the conditions for such a communication exist.

**19.** This Act comes into force on 20 December 2001, except section 16, which shall come into force on the date fixed by the Government.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 181  
(2001, chapter 79)

**An Act to amend various legislative provisions relating to the building trade and the construction industry**

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**Introduced 19 December 2000  
Passage in principle 5 June 2001  
Passage 19 December 2001  
Assented to 20 December 2001**

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**Québec Official Publisher  
2001**

## **EXPLANATORY NOTES**

*This bill amends various legislative provisions applicable to the building trade and the construction industry.*

*The bill amends the Master Electricians Act and the Master Pipe-Mechanics Act so as to empower the court of competent jurisdiction to homologate a decision of the Corporation des maîtres électriciens du Québec or of the Corporation des maîtres mécaniciens en tuyauterie du Québec that imposes a disciplinary fine on one of its members.*

*Under the bill, certain work executed by professional artists who are members of a recognized association in the visual arts and arts and crafts fields or by professional restorers who are members of a restorers association recognized by the Minister is excluded from the application of the Act respecting labour relations, vocational training and manpower management in the construction industry. In addition, as regards certain work, the bill provides for the possibility of making the granting of an exemption from holding a competency certificate conditional on an examination or recommendation of a committee.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Master Electricians Act (R.S.Q., chapter M-3);
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20).

## Bill 181

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RELATING TO THE BUILDING TRADE AND THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### MASTER ELECTRICIANS ACT

**1.** The Master Electricians Act (R.S.Q., chapter M-3) is amended by inserting the following section after section 11.1 :

**“11.2.** Where a disciplinary fine is imposed on a member pursuant to a regulation under section 12, the Corporation may, if the fine is not paid, have the decision homologated by the Superior Court or the Court of Québec, according to the amount involved.

The decision thereby becomes executory as a judgment of that court in its civil law jurisdiction.”

#### MASTER PIPE-MECHANICS ACT

**2.** The Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended by inserting the following section after section 9.2 :

**“9.3.** Where a disciplinary fine is imposed on a member pursuant to a regulation under section 11, the Corporation may, if the fine is not paid, have the decision homologated by the Superior Court or the Court of Québec, according to the amount involved.

The decision thereby becomes executory as a judgment of that court in its civil law jurisdiction.”

#### ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

**3.** Section 19 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by inserting the following subparagraph after subparagraph 12 of the first paragraph :

“(13) the production or restoration of an original artistic work of research or expression or its integration into the architecture or interior and exterior spaces of a building or civil engineering structure, where the work is done by a person who is not a regular employee of a professional employer but is

i. a professional artist who is a member of an association in the field of visual arts or arts and crafts recognized under the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01); or

ii. a professional restorer who is a member of a restorers association recognized for that purpose by the Minister, after consultation with the Minister of Culture and Communications; the Minister shall publish the name of every restorers association recognized by the Minister in the *Gazette officielle du Québec*.”

**4.** Section 123.1 of the said Act is amended by inserting the following paragraph after the first paragraph :

“A regulation made under subparagraph 9 of the first paragraph may, with respect to work described in subparagraph 13 of the first paragraph of section 19 done by a person not referred to in that subparagraph or work involving the use of old techniques, make the granting of exemptions conditional on an examination or recommendation of a committee established for that purpose, specify the powers and duties, composition and mode of operation of the committee and the term of office of its members, and determine the criteria to be taken into account by the committee.”

#### FINAL PROVISION

**5.** This Act comes into force on 20 December 2001.

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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 37-2002, 23 January 2002**

#### **An Act to amend the Civil Code as regards names and the register of civil status (1999, c. 47) — Coming into force of section 8**

COMING INTO FORCE of section 8 of the Act to amend the Civil Code as regards names and the register of civil status

WHEREAS the Act to amend the Civil Code as regards names and the register of civil status (1999, c. 47) was assented to on 5 November 1999;

WHEREAS section 19 provides that the Act comes into force on 5 November 1999, except for section 8, which will come into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 1 May 2002 as the date of coming into force of section 8 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT 1 May 2002 be fixed as the date of coming into force of section 8 of the Act to amend the Civil Code as regards names and the register of civil status (1999, c. 47).

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### O.C. 24-2002, 23 January 2002

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

#### Disposal of seized or confiscated property — Amendment

Regulation to amend the Regulation respecting the disposal of seized or confiscated property

WHEREAS, under paragraph 3 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations concerning the various matters mentioned therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the disposal of seized or confiscated property, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 5 September 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were made respecting that draft Regulation;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the disposal of seized or confiscated property, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the disposal of seized or confiscated property\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 3)

**1.** The Regulation respecting the disposal of seized or confiscated property is amended by inserting the following paragraph after paragraph 2 in section 3:

“(2.1) in the case of a firearm, he may dispose of it in accordance with the provisions of the Public Agents Firearms Regulations (SOR/98-203 dated 24 March 1998);”.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

### O.C. 25-2002, 23 January 2002

Financial Administration Act  
(R.S.Q., c. A-6)

#### Savings products — Amendments

Regulation to amend the Regulation respecting savings products

WHEREAS, under paragraph 1 of section 69.0.4 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, define the book based system and determine its mode of operation and characteristics as well as ownership and evidentiary rules concerning entries made in the system for the management, issue and sale of savings products;

\* The Regulation respecting the disposal of seized or confiscated property was made by Order in Council 1516-97 dated 26 November 1997 (1997, *G.O.* 2, 5806) and has not been amended.

WHEREAS, under paragraph 2 of that section, the Government may, by regulation, determine conditions for participation and classes of qualifying participants and purchasers;

WHEREAS, under paragraph 3 of that section, the Government may, by regulation, determine the terms and conditions of assignment, transfer and payment of the securities;

WHEREAS, under paragraph 5 of that section, the Government may, by regulation, determine prohibitions or restrictions concerning the granting of movable hypothecs on the securities and determine conditions for the granting of such hypothecs as well as conditions for the exercise of related rights or remedies;

WHEREAS, by Order in Council 1038-96 dated 21 August 1996, the Government made the Regulation respecting savings products, amended by the Regulation to amend the Regulation respecting savings products made by Order in Council 1068-98 dated 21 August 1998;

WHEREAS it is expedient to further amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting savings products attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 14 November 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT the Regulation to amend the Regulation respecting savings products, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting savings products\*

Financial Administration Act  
(R.S.Q., c. A-6, s. 69.0.4, par. 1, 2, 3 and 5)

**1.** Section 2 is amended by deleting “on a computer-based medium”.

**2.** Section 3 is amended by deleting the second paragraph.

**3.** Section 10 is amended:

(1) by inserting, in the second paragraph and after the word “mandatary”, “except if that person is duly authorized to exercise the function of financial security advisor or financial planner by a certificate issued by the Bureau des services financiers”; and

(2) by adding the following paragraph after the second paragraph:

“The information provided shall be used by Placements Québec for the administration of the book based system as well as for the sale of savings products”.

**4.** Section 11 is amended by deleting “, together with a specimen of their signatures.” in the second paragraph.

**5.** Section 12 is amended by substituting “Any” for the words “Where a single representative is authorized to act in the name of the participant.”.

**6.** Section 15 is amended by deleting “and a specimen of their signatures.” at the end of the first paragraph.

**7.** Section 16 is amended by substituting “Any” for the words “Where a single attorney is authorized to act in the name of the participant, that”.

**8.** Section 17 is amended by deleting “, together with a specimen of their signatures” in the second paragraph.

**9.** Section 18 is amended by substituting “Any” for the words “Where a single liquidator is authorized to act in the name of the participant, that”.

\* The Regulation respecting savings products, made by Order in Council 1038-96 dated 21 August 1996 (1996, *G.O.* 2, 3930), was amended by Order in Council 1068-98 dated 21 August 1998 (1998, *G.O.* 2, 3711).

**10.** Section 19 is amended by deleting “, together with a specimen of their signatures.” in the second paragraph.

**11.** Section 20 is amended by substituting “Any” for “Where a single trustee is authorized to act in the name of the participant, that”.

**12.** Section 21 is amended by adding the following at the end:

“or where more than a year has passed without having any savings product registered to a participant’s securities portfolio”.

**13.** Section 22 is substituted by the following:

“**22.** The participant or the person who is authorized to act in his name may submit to Placements Québec an application for an operation, either to modify a participant’s data sheet or to carry out an operation or a transfer modifying the participant’s securities portfolio.”.

**14.** Section 23 is amended by inserting “, except if that person is duly authorized to exercise the function of financial security advisor or financial planner by a certificate issued by the Bureau des services financiers”.

**15.** Section 25 is amended by deleting the words “in the system”.

**16.** Sub-division 2 of Division III is amended by deleting the headings it includes.

**17.** The following is substituted for section 27:

“**27.** An application for an operation may be made by any means of transmission that can support it. The application is then processed by Placements Québec after confirmation of the applicant’s identity.

Notwithstanding the foregoing, an application relating to the transfer of ownership of a security shall be made in writing by filling out the form provided for in Schedule 1.

An application for an operation respecting a participant’s bank account information requires the transmission of a void cheque.

Where many persons are authorized to act in the name of the participant, the application for an operation shall be made in writing and shall include all the required signatures.”.

**18.** The following is substituted for section 28:

“**28.** In all cases where a form or written matter is required under this Regulation, the latter shall be signed, and, where a form is used, it shall be approved by the Minister of Finance. The signature may then be affixed by the means of any process which meets the requirements of article 2827 of the Civil Code.

Where a person is unable to read the form or document, as applicable, shall be countersigned by an impartial witness whose identity may be confirmed.

In the case of an application for transferring a security, the signature of the participant or the person authorized to act in his name shall be certified in accordance with the provisions of sections 42 and 43.”.

**19.** The following is substituted for section 29:

“**29.** Any application for an operation, whatever the support used for the document in question, shall be kept by Placements Québec for a maximum period of six months.”.

**20.** The following is substituted for section 30:

“**30.** Any application to modify a participant’s bank account information shall, in order to be effective in respect of a transfer of funds, be received by Placements Québec at least 15 days before the date of the transfer. Failing that, Placements Québec shall grant the application for subsequent transfers only.”.

**21.** The following is substituted for section 31:

“**31.** Subject to the automatic reinvestment provided for in sections 65.1 to 65.4 and in all cases where Placements Québec is unable to process an application for a security approaching its term, in particular because the application is not accompanied by the required documents, the maturity value shall be automatically reinvested in Flexi-Plus Savings units until Placements Québec is able to process the application.

For the purposes of this Regulation, «maturity value» means the amount payable for a security on its maturity date, less the simple interest payable on the security, if applicable.”.

**22.** Sections 32 to 39 are revoked.

**23.** Section 40 is amended by inserting the following after paragraph 2:

“The participant may also obtain the information appearing on the statements by telephone or on the Internet.”.

**24.** Section 43 is amended by substituting “ in a readable manner” for the words “in block letters”.

**25.** Section 45 is amended by adding “, except if it is the unique shareholder of a legal person participating to Placements Québec”.

**26.** The following is substituted for section 49:

“**49.** In case of the death of a participant, the transfer for the benefit of the succession or an heir or a legatee by particular title shall only be made where the proof of death of the participant and the document or act establishing the right of ownership of the security have been transmitted to Placements Québec.”.

**27.** The following is substituted for section 50:

“**50.** Where the participant is a partnership that is dissolved, the transfer is only made where the document or act attesting to the partition of the property of the partnership and the right of ownership of that security has been transmitted to Placements Québec.”.

**28.** The following is substituted for section 51:

“**51.** Where the participant is a legal person that has been dissolved, amalgamated, liquidated or otherwise ceased to exist, the transfer is only made where the document or act attesting to the fact and the right of ownership of that security has been transmitted to Placements Québec.”.

**29.** The following is substituted for section 52:

“**52.** Where the participant is a foundation or a trust that has been terminated, the transfer is only made where the document or act attesting to the fact and to the right of ownership of that security has been transmitted to Placements Québec.”.

**30.** Division IV is amended by deleting the headings it includes.

**31.** Section 53 is amended:

(1) by deleting the words “entered in the book based system” in the first paragraph; and

(2) by adding “, which may also be made in legal currency, by postal or bank money order, by the means of deduction from the salary, by the deposit of Québec

or Canada Savings Bonds, and when Placements Québec will be able to accept those means of payment, by credit and electronic cash cards.” At the end of the second paragraph.

**32.** Sections 54 to 56 are revoked.

**33.** The following is substituted for section 57:

“**57.** The participant or the person authorized to act in his name may, at any time, terminate the periodic withdrawals by transfer of funds or by deduction from the salary by applying therefor to Placements Québec.”.

**34.** Section 58 is amended:

(1) by deleting the first paragraph; and

(2) by substituting the following for the second and third paragraphs:

“Where payment of a security cannot be made, or when the amount payable has not been received and credited to the Government’s account or if payment is not made within the required period, Placements Québec may cancel the purchase of the security.

Where payment of a security must be made by means of periodic withdrawals and where the transfer of funds may no longer be made repetitively, Placements Québec may terminate the periodic withdrawals and, where applicable, may cancel the application for the purchase of the security and reimburse the amounts received or may limit that purchase to the payments actually made.”.

**35.** Sections 59 and 60 are revoked.

**36.** Section 61 is amended by substituting “of the participant in accordance with his instructions” for the words “in accordance with the instructions given by the participant”.

**37.** Section 62 is amended by inserting “ to the designated account of the participant” after the word “funds”.

**38.** Section 65.1 is amended:

(1) by substituting “Flexi-Plus Savings units” for the words “Québec interim investment units” in the first paragraph; and

(2) by substituting “which used to be on paper and that are” for the words “that have been registered” as well as “Flexi-Plus savings units” for the words “Québec interim investment units” in the second paragraph.

**39.** Section 70 is amended by adding “or to the Gouvernement du Québec for the purpose of tender or performance security in respect to the contracts it awards.” At the end of paragraph 2.

**40.** Section 73 is amended by substituting “requires the” for the words “be accompanied by”.

**41.** Section 75 is amended:

(1) by substituting “with the participant’s consent or an” for the words “upon submitting the participant’s written consent or an” in the first paragraph;

(2) by substituting “with the consent of the participant or an” for the words “upon submitting the participant’s written consent or an” in the second paragraph.

**42.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## O.C. 38-2002, 23 January 2002

An Act respecting the Ministère des Transports (R.S.Q., c. M-28)

### Signing by a functionary of certain deeds, documents and writings

#### — Amendments

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

WHEREAS under section 7 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28), the Government may, by a regulation published in the *Gazette officielle du Québec*, determine to what extent a deed, document or writing may bind the Department and may be attributed to the Minister of Transport if it is signed by a functionary;

WHEREAS the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports was made by Order in Council 701-94 dated 11 May 1994;

WHEREAS it is expedient to amend the Regulation in order to complete the prescriptions in respect of certain documents of the Department and to take into account

changes made to the administrative organisation and financial management plan of the Department;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports\*

An Act respecting the Ministère des Transports (R.S.Q., c. M-28, s. 7)

**1.** The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports is amended in section 2

(1) by adding “, regardless of the amount in question” at the end of subparagraph 1 of the first paragraph; and

(2) by deleting the second paragraph.

**2.** The following is substituted for section 3:

**3.** A director general, the Director of the Direction des contrats et des ressources matérielles, the Director of the Direction des Ressources financières, the Director of Laboratoire des chaussées and, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, a director and a service head are authorized to enter into contracts in an emergency situation, when the safety of persons or property is in jeopardy, in accordance with subparagraph 8 of the second paragraph of section 16 of the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies, made by Order in Council 961-2000 dated 16 August 2000.

\* The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, made by Order in Council 701-94 dated 11 May 1994 (1994, *G.O.* 2, 1939), was last amended by the Regulation made by Order in Council 1524-96 dated 4 December 1996 (1996, *G.O.* 2, 4988).

**3.1** For the purposes of this Division, “director general” means the Director General of the Direction des politiques et de la sécurité en transport, the Director General of the Direction des infrastructures et des technologies, the Director General of Montreal and the West, the Director General of Québec and the East and the Director General of management services.”.

**3.** The words “Head of the Service de la gestion contractuelle, the Head of the Service de la gestion des ressources matérielles” are substituted for “Head of the Service des contrats” in section 4.

**4.** Section 5 is amended by substituting “\$100 000” for “\$10 000”.

**5.** Section 7 is amended

(1) by substituting “Service de la gestion des ressources matérielles” for “Service de l’approvisionnement” in the first paragraph; and

(2) by adding the following at the end of the second paragraph: “, up to \$25 000 or, in the case of granular materials, up to \$200 000.”.

**6.** The following is substituted for section 8:

“**8.** The person responsible for the supplies of a directorate or service is authorized, for the purposes of accomplishing the mandate of the administrative unit to which the person is attached, to sign any supply contract for an amount less than \$5 000.

**8.1** A functionary holding an acquisition card on account of the Department is authorized, for the purposes of accomplishing the mandate of the administrative unit to which the functionary is attached, to use that card to enter into a contract for the acquisition of eligible goods or services within the meaning of the agreement between the card issuer and the Minister of Finance, up to the maximum amount per transaction set by the Minister of Finance.”.

**7.** Section 9 of this Regulation is amended by substituting:

(1) the words “Director of the Direction des contrats et des ressources matérielles, Head of Service de la gestion des ressources matérielles, the Head of Service de la gestion contractuelle” for “Assistant Director General of the Direction générale aux infrastructures et aux technologies” .

(2) the words “, the Head of the Service des projets and the Head of the Service des inventaires et du Plan d’une direction territoriale” for “and a head within a territorial directorate”.

**8.** This Regulation is amended by inserting the following after section 9:

“**9.1** A director and a service head who are not governed by section 9, a Head of division and a supervisor are authorized to sign a contract covered by section 9 the amount of which is lower than \$100 000.”.

**9.** The words “Service de la gestion contractuelle” are substituted for “Service des contrats” in section 10.

**10.** The following is substituted for section 11:

“**11.** A director, including the Director of the Direction des affaires juridiques, a service head, a division head and a foreman are authorized to sign any auxiliary service contract, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible.

**11.1** A director, including the Director of the Direction des affaires juridiques, the Head of the Service de la gestion contractuelle, a head of the Service de la gestion des ressources matérielles, a head of the Service des projets and a head of the Service des inventaires et du Plan are authorized to sign any professional service contract, except those referred to in section 11.2, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible.

A service head, a division head and a foreman are authorized to sign a professional service contract referred to in the first paragraph for an amount less than \$25 000, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible.

**11.2** The Director of the Laboratoire des chaussées, the Director of the Direction des structures, the Director of the Direction de la recherche et de l’environnement, the Director of the Direction des contrats et des ressources matérielles, the Head of the Service de la gestion contractuelle and the Head of the Service de la coordination de la recherche et de l’innovation are authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, any research contract entered into with a university, a government body or a non-profit teaching or research organization.”.

**11.** The following is substituted for section 12:

“**12.** The Director of the Direction des contrats et des ressources matérielles, the Head of the Service de la gestion contractuelle and, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, a territorial director, a service head within a territorial directorate and a division head are authorized to sign any service contract for highway snow removal.”

**12.** The following is inserted after section 12:

“§3.1 *Legal service contracts*”.

**13.** The words “, the Director of the Direction des contrats et des ressources matérielles, the Head of the Service de la gestion contractuelle” are inserted after “expertise immobilière” in section 13.

**14.** Section 14 is amended by inserting “, the Director of the Direction des contrats et des ressources matérielles, the Head of the Service de la gestion des ressources matérielles “ after “expertise immobilière”.

**15.** The following is substituted for section 15:

“**15.** A director is authorized to sign any contract granting a concession or an authorization to operate a property or service.”

**16.** Section 16.2 is amended by substituting “Head of the Service de la gestion des ressources matérielles” for “Head of the Service de l’approvisionnement”.

**17.** The Regulation is amended by inserting the following after section 16.2:

“**16.3** The Director of Financial Resources is authorized to sign any contract or document concerning the use and acceptance of credit and debit cards and the collection of any amount of money by any means of collection.”

**18.** The following is substituted for section 17:

“**17.** A territorial director is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which he is responsible, any application submitted to the Minister of Transport of Canada or the Canadian Transportation Agency concerning safety at intersections of public highways and railroads and any application submitted to the National Energy Office of Canada concerning the construction of a road above a pipeline or the carrying out of work near a pipeline.”

**19.** Section 18 is amended

(1) by substituting “Director of the Direction du transport maritime, aérien et ferroviaire, the Head of the Service du transport ferroviaire, the Director of the Direction du transport routier des marchandises, the Director of the Direction du partenariat, de la modélisation et de la géomatique, the Head of the Service de l’environnement et des études d’intégration au milieu, the Director of Research and Environnement, the Head of the Service de la coordination de la recherche et de l’innovation” for “Assistant Director General of the Direction générale des infrastructures et aux technologies, the Director of the Direction des politiques d’exploitation et des programmes routiers”;

(2) by adding “or the Act to ensure safety in guided land transport (R.S.Q., c. S-3.3)” at the end of paragraph 2;

(3) by adding the following at the end of paragraph 3: “,except an agreement pertaining to the installation of equipment or material within the right-of-way of a highway”; and

(4) by adding the following paragraph:

“The Director of the Direction des contrats et des ressources matérielles and the Head of the Service de la gestion des ressources matérielles are authorized to sign the agreements referred to in subparagraph 3 of the first paragraph.”

**20.** Section 19 is amended

(1) by substituting “Head of the Service de la gestion des ressources matérielles” for “Head of the Service de la gestion des immeubles et des télécommunications”; and

(2) by inserting the words “and a head of the Service du soutien à la gestion” after the words “territorial director”.

**21.** The following is substituted for section 22:

“**22.** The Director of the Direction des contrats et des ressources matérielles and the Head of the Service de la gestion contractuelle are authorized to sign any settlement in consequence of a contractual claim.”

**22.** Section 23 is amended

(1) by inserting the following after paragraph 4:

“(4.1) any permission to temporarily occupy an immovable;”; and

(2) by adding the following paragraph at the end:

“(6) any notarized deed and any document required for the purposes of the Act respecting the Agence métropolitaine de transport (R.S.Q., c. A-7.02) and the Act respecting the reconstruction and redevelopment of the areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay–Lac-Saint-Jean region (1997, c. 60).”.

**23.** Section 24 is amended

(1) by substituting “paragraphs 1 to 4.1 of section 23” for “paragraphs 1 to 4 of section 23”; and

(2) by striking out the words “and for a deed whereby a servitude prohibiting access is created, modified or cancelled” at the end.

**24.** The words “any document to transfer an immovable under section 11.5.1 of the Act respecting the Ministère des Transports,” are inserted after the word “responsible,” in section 25.

**25.** Section 26 is amended

(1) by substituting the words “Director of the Direction de la sécurité en transport, the Head of the Service des programmes et de la coordination avec les partenaires” for the words “Director of the Direction du soutien aux infrastructures, the Head of the Service de la sécurité dans les transports” in section 26; and

(2) by substituting “sections 303.1,” for “section”.

**26.** The Regulation is amended by inserting the following after section 26:

“**26.1** A territorial director is authorized, for the purpose of carrying out the mandate of the administrative unit for which he is responsible, to enter into an agreement with any municipality under section 628.1 of the Highway Safety Code.”.

**27.** The words “, the Head of the Service des politiques et des programmes” are inserted after the words “transport terrestre des personnes” in section 29.2.

**28.** The words “AND SCHOOL BUSSING” are deleted in the heading of Division 5.

**29.** The words “Director of the Direction du transport routier des marchandises” are substituted for the words “Director of the Direction du transport multimodal” in the first paragraph of section 30.

**30.** Section 31 is revoked.

**31.** The following Division is inserted after section 31.1:

**“DIVISION 5.2**

**CENTRE DE LA GESTION DE L'ÉQUIPEMENT  
ROULANT**

**31.2** The Director and a service head of the Centre de gestion are authorized to sign, for the purposes of accomplishing the mandate of the Centre, any contract, including any deed cancelling a contract, agreement, deed and other document referred to in this Division or in section 16, 16.1, 16.2, 19 or 21.

**31.3** The person responsible for engineering and acquisitions, the person responsible for administration and the person responsible for information systems are authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which they are responsible, any supply contract, auxiliary service contract or professional service contract for an amount not exceeding \$25 000, any contract for the sale of movable property or for the supply of services, any contract for the sale of surplus movable property and any contract for the leasing of rolling stock.

**31.4** A regional exploitation manager is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which he is responsible, any supply contract, auxiliary service contract or professional service contract for an amount not exceeding \$25 000, any contract for the sale of surplus movable property and any contract for the leasing of rolling stock.

**31.5** Any person in charge of supplies is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit to which he is attached, any supply contract or auxiliary service contract for an amount not exceeding \$10 000.

**31.6** Any employee assigned to machine shops is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit to which he is attached, any supply contract or auxiliary service contract for an amount not exceeding \$5 000.

**31.7** A functionary holding an acquisition card for the Centre de gestion is authorized, for the purposes of accomplishing the mandate of the administrative unit to which he is attached, to use that card to enter into a contract for the acquisition of eligible goods or services within the meaning of the agreement between the card issuer and the Minister of Finance, up to the maximum amount per transaction set by the Minister of Finance.”.



**32.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4842

## M.O., 2002

### Order of the Minister of Social Solidarity dated 25 January 2002

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1; 2000, c. 41)

IN THE MATTER OF the Regulation amending the regulation entitled “Limits to the expenses for a transfer of benefits between spouses”

THE MINISTER OF SOCIAL SOLIDARITY,

CONSIDERING the first paragraph of section 108 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1; 2000, c. 41), which prescribes that, upon presentation of an application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance, the member and his spouse are entitled to obtain, upon application in writing to the pension committee, a statement of the benefits accumulated by the member under the plan and the value thereof at the date of the institution of the action;

CONSIDERING the third paragraph of section 108 of the Act, which prescribes that in the course of a mediation carried out prior to family proceedings, the member and his spouse are also entitled to obtain, upon written application to the pension committee, a statement showing the information prescribed by regulation;

CONSIDERING the first paragraph of section 110 of the Act, which prescribes that where the conjugal relationship between a member and his *de facto* spouse ends, they may, in the following year, agree in writing to partition between themselves the benefits accruing to the member under the pension plan;

CONSIDERING the second paragraph of section 110 of the Act, which prescribes that the member and his spouse are entitled to obtain, upon written application to the pension committee, the statement provided for in section 108, established at the date on which they ceased to live together in a conjugal relationship;

CONSIDERING the first paragraph of section 110.1 of the Act, which prescribes that the cost of producing the statement referred to in section 108 and the expenses incurred for effecting the transfer of benefits between spouses may be claimed from them only up to the limit fixed by the Minister, after consultation with the Régie, and published in the *Gazette officielle du Québec*, which limit may vary according to the type of plan;

CONSIDERING that the regulation entitled “Limits to the expenses for a transfer of benefits between spouses” was made by Order of the Minister of Income Security on 29 June 1996;

CONSIDERING that it is expedient to amend that regulation;

CONSIDERING sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the publication of a draft Regulation to amend the regulation entitled “Limits to the expenses for a transfer of benefits between spouses” in section 2 of the *Gazette officielle du Québec* on 10 October 2001;

CONSIDERING that the Minister consulted the Régie des rentes du Québec with respect to this matter;

ORDERS as follows:

The Regulation to amend the regulation entitled “Limits to the expenses for a transfer of benefits between spouses”, attached to this order, is made.

Québec, 25 January 2002

JEAN ROCHON,  
*Minister of Social Solidarity*

### Regulation to amend the regulation entitled “Limits to the expenses for a transfer of benefits between spouses”\*

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, s. 110.1)

**1.** The title of the regulation entitled “Limits to the expenses for a transfer of benefits between spouses” is replaced with the following title:

\* The regulation entitled “Limits to the expenses for a transfer of benefits between spouses” was made by an Order of the Minister of Income Security dated 29 June 1996 (*G.O.* 1996, 2, 3162) and has not been amended since.

“Regulation fixing the limits to the expenses for a transfer of benefits between spouses”.

**2.** Section 1 of the regulation is amended:

(1) by replacing the words “first application for” in subparagraph (1) with the words “issuance of”;

(2) by striking out subparagraph (2).

**3.** This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

4852

## Draft Regulations

### Draft Regulation

An Act to promote good citizenship  
(R.S.Q., c. C-20)

#### Decorations, distinctions and awards — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to provide for the inclusion of gold and silver crests, to specify the period for which the recommendations apply and to amend the deadline for receiving recommendations.

Further information may be obtained by contacting Hélène Nadeau, Secretary, Comité sur le civisme, Ministère des Relations avec les citoyens et de l'Immigration, 360, rue McGill, 1<sup>er</sup> étage, Montréal (Québec) H2Y 2E9, telephone: (514) 873-5587.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Relations with the Citizens and Immigration, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec) H2Y 2E9.

JOSEPH FACAL,  
*Minister of Relations with  
the Citizens and Immigration*

### Regulation to amend the Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship\*

An Act to promote good citizenship  
(R.S.Q., c. C-20, s. 16)

**1.** The Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship is amended by substituting “awarded” for “that may be awarded and the awards that may be granted” in the title.

**2.** Section 1 is amended

(1) by adding the words “together with a gold crest” after the word “civisme” in paragraph 1; and

(2) by adding the words “together with a silver crest” after the word “civisme” in paragraph 2.

**3.** The title of Division II is amended by substituting the words “granting of decorations and distinctions” for the words “granting of decorations, distinctions and awards”.

**4.** Section 4 is amended by substituting the words “decoration or a distinction” for the words “decoration, distinction or the granting of an award”.

**5.** Section 5 is amended by substituting “The recommendation” for the words “A recommendation to award a decoration and distinction or to grant an award” in the part preceding paragraph 1.

**6.** Section 6 is amended

(1) by substituting the word “May” for the word “April”; and

(2) by striking out the words “or for the awards to be granted”.

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\* The Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship (R.R.Q., 1981, c. C-20, r.1) was amended only once by the Regulation made by Order in Council 2468-82 dated 27 October 1982 (1982, G.O. 2, 3316).

**7.** The following is substituted for section 7:

“7. The secretary of the committee on good citizenship submits to its members, for examination and opinion, the recommendations received at the latest on 1 May respecting acts of good citizenship accomplished between 1 January and 31 December of the preceding year.”.

**8.** Section 8 is amended by substituting “Minister of Relations with the Citizens and Immigration” for the words “Minister of Justice” in the first and second paragraphs.

**9.** The following is substituted for section 9:

“9. The Minister appoints, among the officers of the department, the person who shall act as secretary of the committee on good citizenship.”.

**10.** Section 12 is amended by substituting “Minister of Relations with the Citizens and Immigration” for the words “Minister of Justice” in paragraph 3.

**11.** Schedule 2 is amended by substituting “ministre des Relations avec les citoyens et de l’Immigration” for the words “ministre de la Justice” at the end of the Schedule.

**12.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

4850

## Draft Regulation

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2)

### Chambre de la sécurité financière — Compulsory professional development — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation governing compulsory professional development of the Chambre de la sécurité financière, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication. The Government may approve it with or without amendment.

The proposed Regulation provides that the representative who holds a certificate issued by the Bureau des

services financiers authorizing him or her to practise in the sectors of insurance of persons, group insurance of persons, group savings plan brokerage, investment contract brokerage and scholarship plan brokerage shall henceforth take part in training activities consisting of at least 30 professional development units in all the subjects provided therein and also 10 additional professional development units in the subjects specific to each sector in which the representative is authorized to practise under his or her certificate.

Further information may be obtained by contacting Lucie Granger, Director General and Secretary of the Chamber, Chambre de la sécurité financière, 500, rue Sherbrooke Ouest, 7<sup>e</sup> étage, Montréal (Québec) H3A 3C6, by telephone at (514) 282-5777 or 1 800 361-9989, by fax at (514) 282-2225 or by electronic mail at lgranger@chambresf.com.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3, with a copy to the Inspector General of Financial Institutions, 800, place D’Youville, 9<sup>e</sup> étage, Québec (Québec) G1R 4Y5.

PAULINE MAROIS,  
*Minister of Finance*

## Regulation to amend the Regulation governing compulsory professional development of the Chambre de la sécurité financière\*

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, s. 313, 1st par., subpar. 2)

**1.** The Regulation governing compulsory professional development of the Chambre de la sécurité financière is amended by substituting the following for section 3:

“3. As of (*enter the date of coming into force of this Regulation*), any representative who holds a certificate shall, between that date and 31 December 2003, and as of 1 January 2004, for each 24-month period, take part in training activities recognized by the Chamber in accordance with Division III and consisting of at least 30 PDUs from among the following subjects:

\* The Regulation governing compulsory professional development of the Chambre de la sécurité financière, approved by Order in Council 1171-99 dated 13 October 1999 (1999, *G.O.* 2, 3701), was last amended by the Regulation approved by Order in Council 1252-2000 dated 25 October 2000 (2000, *G.O.* 2, 5262).

- (1) general subjects:
  - (a) analysis of financial requirements;
  - (b) Civil Code;
  - (c) accounting;
  - (d) client counselling;
  - (e) ethics;
  - (f) economics;
  - (g) finance;
  - (h) management of a financial service firm;
  - (i) business planning;
  - (j) financial planning;
  - (k) tax planning;
  - (l) professional practice;
  - (m) professional liability;
  - (n) actuarial sciences;
  - (o) underwriting or risk management;
- (2) subjects specific to insurance of persons:
  - (a) disability insurance;
  - (b) life insurance;
  - (c) retirement and estate planning;
  - (d) laws governing insurance of persons, individual annuities and estates;
  - (e) trusts;
  - (f) death tax;
  - (g) risk management in insurance of persons;
  - (h) rating principle in insurance of persons;
  - (i) accident or health insurance plans;
  - (j) separate fund;
  - (k) accruing and use strategy;
- (l) deferred income plan;
- (m) legal and testamentary estates;
- (3) subjects specific to group insurance of persons:
  - (a) group insurance plans and pension plans;
  - (b) guarantees and rating principle in group insurance and annuities;
  - (c) implementation of a program in group insurance and annuities;
  - (d) preparation of a specification manual and analysis of tenders in group insurance and annuities;
  - (e) development of a recommendation in group insurance and annuities;
  - (f) public plans and private plans;
  - (g) laws governing plans in group insurance and annuities;
  - (h) financial management of group insurance plans and annuity plans;
  - (i) claims management in group insurance of persons;
- (4) subjects specific to group savings plan brokerage, investment contract brokerage and scholarship plan brokerage:
  - (a) the various monetary products;
  - (b) mutual funds;
  - (c) derivative products;
  - (d) development of an investor profile and allocation of assets;
  - (e) investment strategy;
  - (f) investment income and its tax treatment;
  - (g) risk management related to investment;
  - (h) taxation related to various investment products;
  - (i) scholarship plans;
  - (j) basic knowledge of investment contracts.

The representative shall also, during the same period, take part in training activities recognized by the Chamber and consisting of, in addition to the 30 PDUs required under the first paragraph, 10 additional PDUs in the subjects specific to each sector in which the representative is authorized to practise by virtue of his or her certificate and that are provided for in subparagraphs 2 to 4 of the first paragraph.

A representative to whom a certificate is issued between 1 January 2002 and 31 December 2003, or over the course of any 24-month period thereafter, shall accumulate a number of PDUs in the subjects listed in the first paragraph, regardless of the specific subjects by sector, in a proportion that represents the number of complete months the representative has held a certificate during these 24 months, unless the representative has held the certificate for less than 6 months.

Any representative authorized to practise in a new sector between 1 January 2002 and 31 December 2003, or over the course of any 24-month period thereafter, is considered complying with the second paragraph.”

**2.** Section 4 is amended

(1) by substituting “20 PDUs in the subjects listed in the first paragraph of section 3, including 5 PDUs in the subjects specific to the insurance of persons listed in subparagraph 2 of the first paragraph of section 3” for “30 PDUs” in the first paragraph; and

(2) by substituting “Any representative to whom such a certificate is issued over the course of one of the periods referred to in the first paragraph shall accumulate a number of PDUs in the subjects listed in the first paragraph of section 3, regardless of the subjects specific to insurance of persons listed in subparagraph 2 of the first paragraph of section 3, in a proportion that represents” for “The number of PDUs to be accumulated by any representative to whom such a certificate is issued over the course of one of the periods mentioned in the first paragraph shall be prorated based on” in the second paragraph.

**3.** Section 9 is amended by substituting “in sections 2 and 3” for “in section 2” in the first paragraph.

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4847

## Draft Regulation

An Act respecting farm-loan insurance and forestry-loan insurance  
(R.S.Q., c. A-29.1 ; 2000, c. 53)

### Regulation

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 12 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

Under section 12 of the Regulations Act, the proposed regulation may be made upon the expiry of a period shorter than the 45-day period provided for in section 11 of that Act by reason of the urgency due to the following circumstances :

— the provisions of that Regulation must apply to the 2001-2001 fiscal year;

— the waiting periods involved in the publication of the draft Regulation would delay the implementation of the agro-food investment subsidiary of La Financière agricole, which could compromise the carrying out of structuring projects for the development of the agricultural sector and the economic development of the regions.

The purpose of the draft Regulation is to suspend, for the 2001-2002 fiscal year, the payment of the contribution of La Financière agricole du Québec to the Fonds d'assurance-prêts agricoles et forestiers so that it may be used to constitute part of the starting share capital of an agro-food investment subsidiary of La Financière agricole.

It also proposes harmonization adjustments required by the amendments made to the Act respecting farm-loan insurance and forestry-loan insurance by the Act respecting La Financière agricole du Québec (2000, c. 53).

To date, study of the matter has revealed no impact on the public and businesses.

Further information may be obtained by contacting Mr. Norman Johnson, Vice-President of Finance, La Financière agricole du Québec, 930, chemin Sainte-Foy, Québec (Québec) G1S 4Y6; tel. (418) 643-2610, fax: (418) 646-9712.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 15-day period, to the undersigned, 200, chemin Sainte-Foy, Québec (Québec) G1R 4X6.

MAXIME ARSENEAU,  
*Minister of Agriculture, Fisheries and Food*

## **Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance\***

An Act respecting farm-loan insurance and forestry-loan insurance  
(R.S.Q., c. A-29.1, s. 24; 2000, c. 53, ss. 60 and 66)

**1.** The following is substituted for sections 2 and 2.1 of the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance:

“**2.** The agency shall pay to the Fonds the following amounts as insurance charges for each financial year of the Fonds:

(1) in the case of loans granted under the Programme de financement de l’agriculture established by the agency by resolution 46 dated 14 September 2001 and the Program for farm financing made by Order in Council 699-95 dated 24 May 1995, where the first disbursement was made during the preceding fiscal year an amount equal to 1.43% of the total amount of the loans;

(2) where a line of credit is granted under the Programme de financement de l’agriculture established by the agency by resolution 46 dated 14 September 2001, the Program for farm financing made by Order in Council 699-95 dated 24 May 1995, Farm Financing Program, made by Order in Council 697-93 dated 19 May 1993 or the Act respecting farm financing (R.S.Q., c. F-1.2), an amount equal to 1.25% of the aggregate balance of the lines of credit on 31 March of the preceding fiscal year.

\* The Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r.1) was last amended by the Regulation made by Order in Council 1377-2000 dated 22 November 2000 (2000, *G.O.* 2, 5579). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

The Government shall pay to the Fonds, as insurance charges, for each fiscal year of the Fonds, an amount equal to 1.43% of the total amount of the loans granted under the Forest Management Funding Program established under the Forest Act (R.S.Q., c. F-4.1) where the first disbursement was made during the preceding fiscal year.

**2.1.** Before 30 June of each year, the agency shall calculate the amount of insurance charges payable by the Government under the second paragraph of section 2 and shall notify the Minister of Finance thereof.”

**2.** The following is inserted after section 2.2:

“**2.2.1.** Notwithstanding the first paragraph of section 2, no amount is payable by the agency to the Fonds as insurance charges for the 2001-2002 fiscal year.”

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4843

## **Draft Regulation**

An Act respecting health services and social services  
(R.S.Q., c. S-4.2)

### **Physicians, dentists and pharmacists — Appointment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and paragraphs 1 2, 3 and 4 of section 506 of the Act respecting health services and social services (R.S.Q., c. S-4.2), that the Regulation respecting the appointment of physicians, dentists and pharmacists, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is

— to determine the status that may be granted to a physician, dentist or pharmacist based on the extent of the physician’s, dentist’s or pharmacist’s professional activity in a centre operated by an institution;

— to determine the composition and functions of the council of physicians, dentists and pharmacists of an institution and the council’s different committees; and

— to determine the procedure for dealing with complaints against a physician, dentist or pharmacist that may give rise to disciplinary action.

These measures are required to update certain legislative provisions relating to medical staffing plans.

Further information may be obtained by contacting :

Doctor Yvan Asselin  
 Direction des Affaires médicales et universitaires  
 Ministère de la Santé et des Services sociaux  
 1075, chemin Sainte-Foy, 6<sup>e</sup> étage  
 Québec (Québec) G1S 2M1  
 Telephone: (418) 266-6932  
 Fax: (418) 266-6937  
 E-mail: yvan.asselin@msss.gouv.qc.ca

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Minister of State for Health and Social Services and Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

RÉMY TRUDEL,  
*Minister of State for Health and Social Services  
 and Minister of Health and Social Services*

## Regulation respecting the appointment of physicians, dentists and pharmacists

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 506, pars. 1, 2, 3, 4)

### DIVISION I APPLICATION FORM FOR APPOINTMENT OF PHYSICIANS, DENTISTS AND PHARMACISTS

**1.** To practise in a centre operated by an institution, a physician, dentist or pharmacist must file an application for appointment on the form prescribed in Schedule I.

### DIVISION II STATUS

**2.** Status shall be granted to a physician, dentist or, as the case may be, pharmacist based on the extent of the physician's, dentist's or pharmacist's professional activity in a centre.

Professional activity includes in particular such clinical activities as being on duty, teaching and research, and serving on professional, scientific, medical and administrative committees.

The extent of the professional activity carried out in a centre shall be assessed on the basis of the degree of activity and involvement by the physician, dentist or pharmacist in the running of the centre operated by the

institution. It shall also be assessed on the basis of the special needs of the institution or the number of weekly hours the physician, dentist or pharmacist practises in a centre or on the basis of both.

**3.** The board of directors of a centre may grant status to a physician, dentist or pharmacist in one of the following categories:

- (1) active member;
- (2) associate member;
- (3) consultant member;
- (4) honorary member;
- (5) visiting member.

Pursuant to section 244 of the Act, the board of directors of an institution affiliated with a university by a contract of affiliation under section 110 shall grant the status of medical resident to the holder of a Doctor of Medicine degree who is in a postdoctoral training program at a centre operated by the institution.

A physician, dentist or pharmacist who has been granted status by more than one board of directors shall so notify the board of directors of each institution.

**4.** Active member status shall be granted to a physician, dentist or pharmacist whose professional activity in the centre is significant in terms of the criteria set out in section 2.

**5.** Associate member status shall be granted to a physician, dentist or pharmacist whose professional activity is less significant in terms of the criteria set out in section 2.

**6.** Consultant member status shall be granted to a physician, dentist or pharmacist of recognized competence and eminence in a discipline who takes part in medical, dental or pharmaceutical activities of the centre when called upon for consultation.

**7.** Honorary member status shall be granted to a physician, dentist or pharmacist whose services in the centre warrant recognition.

**8.** Visiting member status shall be granted in exceptional circumstances to a physician if a user applies beforehand to the board of directors of the institution for treatment by that physician and if that user occupies a bed in a residential and long-term care centre or occupies a temporary bed in the centre.



**9.** In addition to the resident status provided for in section 244 of the Act, resident status shall also be granted to the holder of a diploma equivalent to Doctor of Medicine recognized according to the equivalence standards provided for in the Regulation respecting the standards for equivalence of diplomas for the issue of a permit or specialist's certificate by the Collège des médecins du Québec, approved by Order in Council 142-2000 dated 16 February 2000. Resident status shall also be granted to the holder of a Doctor of Medicine degree or a diploma recognized as equivalent according to the equivalence standards provided for in the Regulation respecting the standards for equivalence of diplomas for the issue of a permit or specialist's certificate by the Collège des médecins du Québec, approved by Order in Council 142-2000 dated 16 February 2000, who is serving a professional training period after obtaining a permit to practise.

Resident status shall be granted to the holder of a Doctor of Dental Medicine degree or a diploma recognized as equivalent according to the standards provided for in the Regulation respecting the standards for equivalence of diplomas and training for the issue of a permit or a specialist's certificate by the Ordre des dentistes du Québec, approved by Order in Council 915-93 dated 22 June 1993, amended by the Regulation approved by Order in Council 1069-95 dated 9 August 1995 and by the Regulation approved by Order in Council 649-97 dated 13 May 1997, who is in training for the specialist's certificate in a centre operated by an institution affiliated with an educational institution by a contract of affiliation made under subparagraph 1 of the first paragraph of section 110 of the Act. Resident status shall also be granted to the holder of a Doctor of Dental Medicine degree or equivalent diploma according to the standards prescribed by the Regulation respecting the standards for equivalence of diplomas and training for the issue of a permit or a specialist's certificate by the Ordre des dentistes du Québec, approved by Order in Council 915-93 dated 22 June 1993 and amended by the Regulation approved by Order in Council 1069-95 dated 9 August 1995 and by the Regulation approved by Order in Council 649-97 dated 13 May 1997, who is serving a professional training period after obtaining a specialist's certificate or a permit to practise.

In a centre affiliated with an educational institution by contract of affiliation made under subparagraph 1 of the first paragraph of section 110 of the Act, resident status shall be granted to the holder of a bachelor's degree in pharmacy or an equivalent degree for the purpose of obtaining a master's degree in hospital pharmacy.

**10.** To be a member of the council of physicians, dentists and pharmacists, a physician, dentist or pharmacist must have active, associate, consultant, honorary or visiting member status.

**11.** Active member status entitles a physician, dentist or pharmacist to participate in meetings of the council of physicians, dentists and pharmacists, to vote at meetings, to be appointed to serve on the committees of the council, to be designated as a member of the executive committee of the council and to be appointed chair or secretary of a committee of the council.

Associate member status entitles a physician, dentist or pharmacist to participate in meetings of the council of physicians, dentists and pharmacists but an associate member does not have the right to vote. An associate member may be appointed to serve on the committees of the council and be appointed chair or secretary of a committee of the council but may not be designated as a member of the executive committee of the council.

Consultant member status entitles a physician, dentist or pharmacist to participate in meetings of the council of physicians, dentists and pharmacists but a consultant member does not have the right to vote. A consultant member may be appointed to serve on the committees of the council, but may not be designated as a member of the executive committee nor be appointed chair or secretary of a committee of the council.

Honorary member status entitles a physician, dentist or pharmacist to participate in meetings of the council of physicians, dentists and pharmacists but an honorary member does not have the right to vote. An honorary member may not be designated as a member of the executive committee of the council, nor be appointed to serve on any committee of the council except a committee struck by the council for the purpose of giving an opinion pursuant to subparagraph 5 of the first paragraph of section 214 of the Act; the honorary member may not, however, be chair or secretary of that committee.

Visiting member status entitles a physician to attend meetings of the council but a visiting member does not have the right to vote. A visiting member may also be invited to attend meetings of the committees of the council.

A resident member may, for training purposes, be invited to attend meetings of the council of physicians, dentists and pharmacists but may not vote at those meetings. A resident member may also be invited to attend committee meetings.

### **DIVISION III** **COMMITTEES OF THE COUNCIL OF PHYSICIANS, DENTISTS AND PHARMACISTS**

**12.** The council of physicians, dentists and pharmacists shall establish a credentials committee, a medical, dental and pharmaceutical evaluation committee and a pharmacology committee. Committee members shall be appointed and replaced as required by the executive committee of the council of physicians, dentists and pharmacists.

#### *§1. Credentials committee*

**13.** The credentials committee shall be composed of not less than three active members from the council of physicians, dentists and pharmacists having active member status and the director of professional services.

**14.** The credentials committee shall

(1) consider applications for appointment or reappointment of physicians, dentists and pharmacists and applications for appointment of pharmacists, in particular by assessing qualifications, competency and, where applicable, compliance with their obligations, and report to the council of physicians, dentists and pharmacists;

(2) make recommendations to the council of physicians, dentists and pharmacists on the granting of status and privileges to a physician or dentist upon an application for appointment or reappointment and the obligations attached to the enjoyment of those privileges and on the granting of status to a pharmacist upon an application for appointment; the head of the department in which privileges are to be granted shall be invited to take part in the discussions;

(3) make recommendations to the council of physicians, dentists and pharmacists on the reappointment, change in status, privileges or obligations of a physician or dentist; and

(4) establish a professional file for each physician, dentist and pharmacist practising at the centre.

**15.** The file referred to in paragraph 4 of section 14 must contain, *inter alia*,

(1) a copy of the application for appointment submitted by the physician, dentist or pharmacist or for reappointment submitted by the physician or dentist;

(2) the records relating to participation by the physician, dentist or pharmacist on the committees of the council of physicians, dentists and pharmacists;

(3) any information on the physician's, dentist's or pharmacist's activity relevant to the committee's mandate forwarded by a committee of the council of physicians, dentists and pharmacists, by a clinical department head or by the director of professional services, in particular in respect of participation in a refresher training program; and

(4) any correspondence between a professional order and the institution concerning the physician, dentist or pharmacist.

**16.** The professional file established by the credentials committee shall be kept by the director of professional services. If the latter is not a physician, the file shall be kept by the clinical department head or, as the case may be, by the chief physician of the medical service or by the physician in charge of medical care. No person may examine the file except members of the credentials committee, the physician, dentist or pharmacist involved, members of the executive committee of the council of physicians, dentists and pharmacists, and the professional order to which the physician, dentist or pharmacist belongs.

If a physician, dentist or pharmacist ceases to practise at the centre or applies for appointment in another institution, a copy of the professional file shall be sent to the council of physicians, dentists and pharmacists of the institution that operates a centre to which the physician, dentist or pharmacist has applied for appointment to practise or, in the absence of such a council, to the head of the clinical department involved or, as the case may be, to the chief physician of the medical service or to the physician in charge of medical care in that institution or, upon request, to the professional order of which the physician, dentist or pharmacist is a member.

#### *§2. Medical, dental and pharmaceutical evaluation committee*

**17.** The medical, dental and pharmaceutical evaluation committee shall be composed of not less than three members of the council of physicians, dentists and pharmacists having active status.

**18.** The medical, dental and pharmaceutical evaluation committee shall

(1) ensure that the medical, dental and pharmaceutical content of the users' records comply with this Regulation, the rules governing medical and dental care and the rules governing the use of medicines established in the centre;

(2) monitor and assess the quality and appropriateness of the medical, dental and pharmaceutical acts performed in the centre;

- (3) review preoperative, postoperative and anatomopathological diagnoses;
- (4) examine the records of users who have developed complications;
- (5) review surgical procedures where the specimens are normal;
- (6) examine deaths occurring in facilities maintained by the institution;
- (7) review at least once a year the measures taken to detect, control and treat nosocomial infections;
- (8) review at least once a year the treatment prescribed for the most frequently occurring infections in the facilities maintained by the institution; and
- (9) make recommendations to the council of physicians, dentists and pharmacists on any matter within the committee's jurisdiction for improving the quality and appropriateness of the medical, dental and pharmaceutical acts performed in the centre.

When the committee considers it useful or necessary, or when requested by the council of physicians, dentists and pharmacists, it shall carry out studies and analyses on matters within its jurisdiction to make recommendations of a general nature for improving the quality and appropriateness of medical, dental and pharmaceutical acts.

When the committee examines cases involving dental acts, it shall invite a dentist to participate in its work. When it examines cases involving pharmaceutical acts, it shall invite a pharmacist to participate in its work. When it examines surgical cases or cases involving deaths, it shall invite a physician.

### §3. Pharmacology committee

**19.** The pharmacology committee shall be composed of not less than four members of the council of physicians, dentists and pharmacists having active member status, including the head of the clinical department of pharmacy, the head of the pharmaceutical service, the pharmacist in charge or the pharmacist practising in the centre, as the case may be.

**20.** The committee of pharmacology shall, *inter alia*,

- (1) assess the mechanisms for monitoring the use of medicines in the centre, such as retrospective studies of users' records and audits of the use of medicines;

- (2) assess the records of users who have shown adverse reactions to medicines or drug allergies;

(3) advise the head of the clinical department of pharmacy, the head of the pharmaceutical service, the pharmacist in charge or the pharmacist practising in the centre, as the case may be, on the rules governing the use of medicines in the centre and on the medicines for routine use selected by generic name, strength and dosage form from the list referred to in section 116 of the Act;

(4) make recommendations to the council of physicians, dentists and pharmacists on requests to use medicines for clinical or basic research, for a specific medical requirement or for an exceptional treatment; and

(5) make recommendations to the council of physicians, dentists and pharmacists in respect of any matter within the committee's jurisdiction for improving the use of medicines in the centre.

## DIVISION IV DISCIPLINARY MEASURES

**21.** Any complaint against a physician, dentist or pharmacist that may give rise to disciplinary action provided for in the second paragraphs of sections 249 and 250 of the Act must be referred to the council of physicians, dentists and pharmacists which shall appoint a committee to investigate the complaint.

In the absence of a council of physicians, dentists and pharmacists, the complaint shall be referred to the executive director of the institution who shall forward it to the board of directors and the board shall appoint a committee to investigate the complaint.

**22.** Where a council of physicians, dentists and pharmacists has been established, the committee appointed to investigate the complaint shall be composed of not less than five members, including three from the council who shall be appointed by the executive committee of the council. The other two members shall be designated by and from among the members of the board of directors.

If there is an insufficient number of dentists or pharmacists practising in the centre or if there are no dentists or pharmacists, the board of directors, after consulting the council of physicians, dentists and pharmacists, shall call upon professionals from outside the institution who must be members of the professional order in question.

**23.** In the absence of a council of physicians, dentists and pharmacists, the committee investigating the complaint shall be composed of not less than three members, including the chief physician of the medical service or the physician in charge of medical care, as the case may be, or a dentist or pharmacist, provided that the complaint does not involve them. The other two members shall be designated by and from among the members of the board of directors.

If there is an insufficient number of physicians, dentists or pharmacists practising in the centre or there are no dentists or pharmacists, the board of directors, after consulting the chief of the medical service or physician in charge of medical care, as the case may be, shall call upon professionals from outside the institution who must be members of the professional order in question.

**24.** The committee investigating the complaint shall examine the relevant records forwarded by the council of physicians, dentists and pharmacists or, as the case may be, by the executive director and allow the complainant to make representations. The committee may also meet with any person it considers useful in the investigation of the complaint.

**25.** After investigating the complaint, the committee shall submit a report and its recommendations to the board of directors, which, after examining them, shall seek the opinion of the council of physicians, dentists and pharmacists, the chief of the medical service or the physician in charge of medical care, as the case may be.

**26.** When the council of physicians, dentists and pharmacists or, as the case may be, the chief of the medical service or the physician in charge of medical care gives an opinion on disciplinary action that the board of directors should take or if the opinion is that no disciplinary action should be taken, the council or, as the case may be, the chief of the medical service or the physician in charge of medical care shall notify the physician, dentist or pharmacist involved of the findings and the reasons therefor.

**27.** Before deciding on disciplinary action, the board of directors shall meet with the complainant and the physician, dentist or pharmacist involved and allow them to make representations.

If the board of directors decides to take disciplinary action, the executive director of the institution shall notify the physician, dentist or pharmacist involved of the reasoned decision of the council.

The executive director shall also notify the executive committee of the council of physicians, dentists and pharmacists, the head of the clinical department involved, the chief physician of the medical service or the physician in charge of medical care, as the case may be.

**28.** The committee may dismiss any complaint it receives that it considers frivolous or in bad faith. It shall notify the complainant and the board of directors of such a decision and give its reasons for dismissing the complaint.

**29.** Sections 21 to 28 shall apply, adapted as required, to any complaint against a resident that may give rise to disciplinary action.

**30.** Subject to section 620 of the Act, this Regulation replaces sections 85 to 109 and Schedule VIII of the Organization and Management of Institutions Regulation made by Order in Council 1320-84 dated 6 June 1984 and amended by the Regulations made by Orders in Council 545-86 dated 23 April 1986, 9-87 dated 7 January 1987, 247-87 dated 18 February 1987, 375-88 dated 16 March 1988, 580-88 dated 20 April 1988, 670-88 dated 4 May 1988, 1822-88 dated 7 December 1988, 130-89 dated 8 February 1989, 1567-89 dated 27 September 1989, 863-90 dated 20 June 1990, 1100-90 dated 1 August 1990, 1346-91 dated 2 October 1991, Minister's Order 1993 dated 30 November 1993, and Orders in Council 502-96 dated 24 April 1996 and 503-96 dated 24 April 1996.

**31.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## SCHEDULE I

(s. 1)

### APPLICATION FORM FOR APPOINTMENT OF PHYSICIANS, DENTISTS AND PHARMACISTS

#### 1.0 Identity of candidate

1.1 Surname:

1.2 Given name:

1.3 Name at birth (if different from 1.1):

1.4 Sex:

1.5 Citizenship:

- 1.6 Birth: Place: Date: Address: Telephone:
- 1.7 Permanent residence: Address: Telephone:
- 1.8 Principal place of practice: Address: Telephone:
- 2.0 **Studies**
- 2.1 Studies in medicine, dental medicine or pharmacy
- | Discipline                  | University                    | Period                         | Year diploma awarded           |
|-----------------------------|-------------------------------|--------------------------------|--------------------------------|
| Internship:                 |                               |                                |                                |
| Period                      | Corporate name of institution | Centre operated by institution |                                |
| Residency:                  |                               |                                |                                |
| Training program            | Period                        | Corporate name of institution  | Centre operated by institution |
| 2.2 Other studies           |                               |                                |                                |
| Discipline                  | Period                        | Diploma(s)                     |                                |
| Discipline                  | Year certificate awarded      |                                |                                |
| 4.1 Professional order(s)   |                               |                                |                                |
| 4.2 Royal College of Canada |                               |                                |                                |
| 4.3 Others (specify)        |                               |                                |                                |

## 5.0 Publications

Attach list

## 6.0 Experience

### 6.1 Professional experience

Period	Institution	Status	Privileges
6.2 Other experience			

### 6.2 Other experience

## 7.0 References

Surname and given name	Address	Telephone
8.0 Status and privileges applied for		
8.1 Status applied for		
Active member		
Associate member		
Consultant member		
Honorary member		
Visiting member		
Resident		
8.2 Privileges applied for		
Physician		
Dentist		
I would like to be granted the privileges in the attached list		

## 8.0 Status and privileges applied for

### 8.1 Status applied for

Active member  
Associate member  
Consultant member  
Honorary member  
Visiting member  
Resident

### 8.2 Privileges applied for

Physician

Dentist

I would like to be granted the privileges in the attached list

## 9.0 Authorization

I authorize the persons who will be considering my application to obtain the required information from any institution, physician, dentist or pharmacist, subject to the confidentiality of that information.

I authorize in particular the secretary of the professional order in question to provide the information in my personal file likely to be useful in considering my application.

This authorization is valid for 90 days from the receipt of this application.

## 10.0 Liability insurance

I am providing with this application the proof that I hold a professional liability insurance policy for myself and my succession.

### 11.0 Declaration

I declare that I have examined the by-laws of the institution operating the centre in which I seek to practise my profession, as well as the agreements that it has entered into under section 108 of the Act respecting health services and social services (R.S.Q., c. S-4.2). I undertake to comply with those by-laws and agreements and to practise within the limits of the health services and social services determined by the institution and within the limits of the activities that it organizes under section 105 of the said Act. I undertake to comply with the obligations attached to the enjoyment of the privileges granted to me and the rules regarding care, use of resources and use of medicines approved by the board of directors of the institution.

I also declare that I have examined the services organization plan of the institution operating the centre in which I seek to practise my profession as well as the current staffing plan of the institution.

Date:

Signature:

Witness:

Documents enclosed:

List of publications:

List of privileges applied for:

Proof of liability insurance:

Other documents:

4851

## Draft Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

### Hunting activities — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting hunting activities, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to implement a system for selling hunting licences by electronic medium.

To that means, the draft Regulation proposes new conditions for obtaining a hunting licence, that is, the obligation to provide one's name, address and date of birth. A resident must also provide the number of his hunter's or trapper's certificate when it is required. A licence holder will have to enter the required information on the back of his licence should any of it be missing or inaccurate.

To date, study of the matter has revealed no impact on businesses and in particular on small and medium-sized businesses.

Further information may be obtained by contacting :

Mr. Serge Bergeron  
Société de la faune et des parcs du Québec  
Direction des territoires fauniques et de la réglementation  
675, boulevard René-Lévesque Est, 11<sup>e</sup> étage, boîte 96  
Québec (Québec)  
G1R 5V7

Telephone: (418) 521-3880, extension 4078

Fax: (418) 646-5179

E-mail: serge.bergeron@fapaq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,  
*Minister responsible for Wildlife and Parks*

## Regulation to amend the Regulation respecting hunting activities\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 9)

**1.** Section 4 of the Regulation respecting hunting activities is amended in the first paragraph by substituting the words “hunting licences ; the resident shall also provide his name, address and date of birth, as well as the number of his hunter's or trapper's certificate when it is required.” for the words “hunting licences.”.

**2.** The words “or older; the non-resident shall also provide his name, address and date of birth.” are substituted for the words “or older.” in section 5.

**3.** The following is inserted after section 5 :

\* The Regulation respecting hunting activities, made by Order in Council 858-99 dated 28 July 1999 (1999, *G.O.* 2, 2427), was last amended by the Regulation made by Order in Council 953-2001 dated 23 August 2001 (2001, *G.O.* 2, 4857) . For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

“5.1 The holder of a resident or non-resident hunting licence shall enter his name, address and date of birth on the back of his licence when any of those particulars does not appear on the front or is inaccurate.”

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4844

## Draft Regulation

An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45)

### Regulation

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation proposes to exempt registrants who provide shelter to victims of violence from having to declare their domicile when registering, and, where applicable, their elected domicile for the purposes of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) as well as the address of any establishment they own in Québec.

Further information may be obtained by contacting Mr. Maurice Lalancette, Director, Direction de la réglementation et du suivi du secteur financier, at the Ministère des Finances, 700, boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec (Québec) G1R 5A9; tel. (418) 646-7420; fax: (418) 646-7610; e-mail: m.lalancette@finances.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,  
*Minister of Finance*

## Regulation to amend the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons\*

An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45, s. 97, 3rd par. and s. 99, par. 3; 2001, c. 20, s. 6)

1. The Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons is amended by adding the following after section 25.1:

### “DIVISION V.2

#### REGISTRANTS EXEMPTED FROM DECLARING CERTAIN INFORMATION

25.2. Registrants whose activity consists in providing shelter to victims of violence are exempted from declaring the information referred to in subparagraph 4 of the first paragraph and subparagraphs 1 and 6 of the second paragraph of section 10 of the Act.”

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4846

## Draft Regulation

Civil Code of Québec  
(1991, c. 64)

### Tardy declaration of filiation

#### — Publication of a notice

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation concerning the publication of a notice of tardy declaration of filiation, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

\* The Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, made by Order in Council 1856-93 dated 15 December 1993 (1993, *G.O.* 2, 7022), was last amended by the Regulation made by Order in Council 1414-2001 dated 28 November 2001 (2001, *G.O.* 2, 6181). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

The Act to amend the Civil Code as regards names and the register of civil status (1999, c. 47) came into force on 5 November 1999, the day it was assented to, except section 8 which will come into force on the date to be fixed by the Government.

That section amending article 130 of the Civil Code will authorize, on certain conditions, the registrar of civil status to add missing information to an act of civil status, for instance filiation in an act of birth.

The purpose of the draft Regulation is to determine the rules applicable to the publication of a notice of tardy declaration of filiation made to the registrar of civil status, in accordance with the second paragraph of article 130 of the Civil Code.

Further information on the draft Regulation may be obtained by contacting the Registrar of Civil Status, 205, rue Montmagny, Québec (Québec) G1N 4T2; tel. (418) 644-6043, fax: (418) 644-9018.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Joseph Facal, Minister of Relations with the Citizens and Immigration, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec) H2Y 2E9.

JOSEPH FACAL,  
*Minister of Relations with the  
Citizens and Immigration*

## Regulation respecting the publication of a notice of tardy declaration of filiation

Civil Code of Québec  
(1991, c. 64, a. 130; 1999, c. 47, s. 8)

**1.** The author of a tardy declaration of filiation made to the registrar of civil status, in accordance with article 130 of the Civil Code of Québec (1991, c. 64) shall give notice of his declaration, once a week for two consecutive weeks, in the *Gazette officielle du Québec* and in a newspaper published or circulated in the judicial district of the author's domicile.

The notice shall also be published in a newspaper published or circulated in the judicial district of the domicile of the child whose filiation is tardily declared, if the child's domicile is not the same as that of the author of the tardy declaration.

**2.** The notice of tardy declaration shall contain

(1) the name, quality and domicile address of the author of the declaration;

(2) the name, date and place of birth of the child whose filiation is tardily declared, as they appear on the act of birth;

(3) the name, quality and domicile address of the author of the previous declaration;

(4) where applicable, the surname of the author of the tardy declaration of filiation to be added to the child's surname, or part of the author's surname if he has a compound name;

(5) the date and place of the notice;

(6) the signature of the author of the tardy declaration of filiation; and

(7) a mention that objections from third persons to the tardy declaration of filiation must be notified to the declarants, to the minor child who is 14 years of age or over and to the registrar of civil status within 20 days of the last publication of a notice of that declaration.

**3.** This Regulation comes into force on 1 May 2002.

4848

## Draft Regulation

Civil Code of Québec  
(1991, c. 64)

### Tariff of duties

— Acts of civil status and change of name or of designation of sex

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.



The Act to amend the Civil Code as regards names and the register of civil status (1999, c. 47) came into force on 5 November 1999, the day it was assented to, except section 8 which comes into force on the date to be fixed by the Government.

That section, amending article 130 of the Civil Code, will authorize the Registrar of civil status, under certain conditions, to add missing information to an act of civil status, for instance the filiation to an act of birth. Such alteration to an act of civil status could henceforth be priced, considering the alteration for such purpose made to article 151 of the Civil Code by section 14 of the aforementioned Act to amend the Civil Code.

This draft Regulation thus proposes to add to the Tariff of duties respecting the acts of civil status and change of name or of designation of sex, made by Order in Council 1593-93 dated 17 November 1993 and amended by Order in Council 1286-96 dated 9 October 1996 and Order in Council 1276-2001 dated 24 October 2001, new duties payable, but only to add the filiation to an act of birth.

Further information may be obtained by contacting the Registrar of civil status, 205, rue Montmagny, Québec (Québec) G1N 4T2, by telephone at (418) 646-6043 or by fax at (418) 644-9018.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Joseph Facal, Minister of Relations with the Citizens and Immigration, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec) H2Y 2E9.

JOSEPH FACAL,  
*Minister of Relations with the  
Citizens and Immigration*

## **Regulation to amend the Tariff of duties respecting the acts of civil status and change of name or of designation of sex \***

Civil Code of Québec  
(1991, c. 64, ss. 64, 73 and 151; 1996, c. 21, s. 27;  
1999, c. 47, s. 14; 2001, c. 70, s. 2)

**1.** The Tariff of duties respecting the acts of civil status and change of name or of designation of sex is amended by inserting the following after section 5:

“**5.1.** Duties of \$100 are payable for adding the filiation to an act of birth where the filiation is declared more

than one year after the birth; the duties payable are only \$50 if the declaration of filiation, although late, is made to the registrar of civil status during the year of birth.”.

**2.** This Regulation comes into force on 1 May 2002.

4849

## **Draft Regulation**

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

### **Trapping activities and fur trade — Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting trapping activities and the fur trade, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to set up an electronic system for the sale of trapping licences.

To that end, the draft Regulation proposes new conditions for obtaining certain trapping licences. A licence holder will have to enter his name, address and date of birth on the back of the licence, if required information has been omitted or contains errors.

To date, study of the matter has revealed no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting:

Mr. Serge Bergeron  
Société de la faune et des parcs du Québec  
Direction des territoires fauniques et de la réglementation  
675, boulevard René-Lévesque Est, 11<sup>e</sup> étage, boîte 96  
Québec (Québec)  
G1R 5V7

Telephone: (418) 521-3880, extension 4078  
Fax: (418) 646-5179  
E-mail: serge.bergeron@fapaq.gouv.qc.ca

\* The Tariff of duties respecting the acts of civil status and change of name or of designation of sex, made by Order in Council 1593-93 dated 17 November 1993 (1993, G.O. 2, 6213) was last amended by the Regulation made by Order in Council 1276-2001 dated 24 October 2001 (2001, G.O. 2, 5854). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,  
*Minister responsible for Wildlife and Parks*

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## **Regulation to amend the Regulation respecting trapping activities and the fur trade\***

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 9)

**1.** The Regulation respecting trapping activities and the fur trade is amended in section 3 by inserting the following after paragraph 1:

“(1.1) be at least 12 years of age, in the case of a non-resident;”.

**2.** The following is inserted after paragraph 2 of section 4:

“(2.1) be at least 12 years of age, in the case of a non-resident;”.

**3.** The following is inserted after section 6:

“**6.1** The holder of a trapping licence referred to in sections 3 and 4 shall enter his name, address and date of birth on the back of his licence when any of those particulars does not appear on the front or is inaccurate.”.

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4845

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\* The Regulation respecting trapping activities and the fur trade made by Order in Council 1027-99 dated 8 September 1999 (1999, *G.O.* 2, 2915) was last amended by the Regulation made by Order in Council 688-2001 dated 6 June 2001 (2001, *G.O.* 2, 2803).

## Index Statutory Instruments

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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Disposal of seized or confiscated property . . . . . (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	805	M
Distribution of financial products and services, An Act respecting the... — Chambre de la sécurité financière — Compulsory professional development . . . . . (R.S.Q., c. D-9.2)	816	Draft
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