

Laws and Regulations
Volume 136

Summary

Table of Contents
Acts 2004
Regulations and other acts
Draft Regulations
Index

Legal deposit—1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2004

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

Table of Contents

Page

Acts 2004

List of Bills sanctioned (10 November 2004)	3151
---	------

Regulations and other acts

1049-2004 Compensation for municipal services provided to recover and reclaim residual materials	3153
1064-2004 Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders	3155
List of medications covered by the basic prescription drug insurance plan (Amend.)	3157

Draft Regulations

Charges payable for the elimination of residual materials and contaminated soils	3161
Forest royalties	3163
Professional Code — Radiology technologists — Standards for diploma or training equivalence for the issue of a permit	3165

PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 10 NOVEMBER 2004

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 10 November 2004*

This day, at thirty-four minutes past four o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 46 An Act to amend the Act respecting Attorney General's prosecutors and the Labour Code
- 59 An Act to amend the Civil Code as regards marriage

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Regulations and other acts

Gouvernement du Québec

O.C. 1049-2004, 9 November 2004

Environment Quality Act
(R.S.Q., c. Q-2)

Recovery and reclamation of residual materials — Compensation for municipal services provided

Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

WHEREAS, under sections 53.31.2, 53.31.4 and 53.31.12 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set out therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials was published in Part 2 of the *Gazette officielle du Québec* of 24 March 2004 with a notice that the Regulation could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments to reflect the comments that were received following the publication in the *Gazette officielle du Québec*;

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

THAT the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

Environment Quality Act
(R.S.Q., c. Q-2, ss. 53.31.2, 53.31.4 and 53.31.12)

DIVISION I PURPOSE

1. This Regulation determines certain parameters of the compensation regime under subdivision 4.1 of Division VII of Chapter I of the Environment Quality Act (R.S.Q., c. Q-2) whose purpose, together with other legislative measures ensuring residual materials management, is to prevent and reduce the impact of residual materials on the environment.

More specifically, this Regulation designates the materials or classes of materials to which the compensation regime applies.

The Regulation also provides a minimum framework for the schedule of contributions that must be established pursuant to section 53.31.14 of the Act by establishing exemptions for certain persons in respect of certain materials and by targeting the persons that alone may be required to pay contributions in respect of certain materials.

The Regulation also determines the maximum compensatory contribution limits and related payment terms and conditions.

DIVISION II CLASSES OF MATERIALS SUBJECT TO A CONTRIBUTION

2. The compensation regime under subdivision 4.1 of Division VII of Chapter I of the Environment Quality Act applies to the following classes of materials:

(1) containers and packaging: this class includes all types of flexible or rigid material, including paper, carton, plastic, glass or metal, used alone or in combination with other materials to contain, protect, wrap or present a product or a set of products at any stage in the movement of the product or set of products from the producer to the ultimate user or consumer.

This class does not include tertiary or transport packaging, namely containers and packaging designed to facilitate the handling and transport of a number of sales units or grouped packagings, such as wood pallets and transport containers, in order to prevent physical handling and transport damage. However, containers and packaging such as paper, carton, polystyrene protectors or plastic film that may be used not only for that transport but also for the movement of products to the ultimate consumer or recipient are included in this class.

Containers and packaging in the other classes of materials are also excluded from this class;

(2) written media: this class includes paper and other cellulosic fibres used as a medium for newspapers, magazines, periodicals or any other similar written matter

(a) sold or available free of charge;

(b) published at fixed intervals and at least once a year; and

(c) published mainly to deliver opinions, news or comments on current affairs or on a particular subject or theme.

This class also includes containers and packaging used to deliver written media directly to ultimate consumers or recipients;

(3) printed matter: this class includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images, except books and materials in the written media class of materials.

This class does not include materials in the containers and packaging class, but it does include containers and packaging used to deliver printed matter directly to ultimate consumers or recipients.

DIVISION III **RULES REGARDING THE PAYMENT** **OF CONTRIBUTIONS**

§1. Containers and packaging class

3. Only the owner of a brand, a name or a distinguishing guise may be required to pay a contribution pursuant to a schedule of contributions established under section 53.31.14 of the Act in respect of

(1) containers and packaging used in the commercialization or marketing in Québec of a product or a service under that brand, name or distinguishing guise; and

(2) containers and packaging identified by that brand, name or distinguishing guise.

If the owner referred to in the first paragraph has no domicile or establishment in Québec, the first supplier in Québec of the products or of the containers and packaging, other than the manufacturer, may be required to pay the contribution, whether or not that supplier is the importer.

For the purposes of this section,

— “brand” means a mark that is used by a person for the purpose of distinguishing or so as to distinguish products or services manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others, but does not include a certification mark within the meaning of section 2 of the Trade-marks Act (R.S.C., 1985, c. T-13);

— “distinguishing guise” means the shaping of containers or packaging, the appearance of which is used by a person for the purpose of distinguishing or so as to distinguish products manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others;

— “name” means the name under which any business is carried on, whether or not it is the name of a legal person, a partnership or an individual.

4. The following special rules apply in respect of containers or packaging added at retail outlets, whether or not the containers or packaging are included in section 3:

(1) payment of a contribution may not be required from the manufacturer of those containers or packaging or of a person having added containers or packaging at a retail outlet, subject to paragraph 2; and

(2) where a retail outlet is supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the contribution for containers or packaging added at the retail outlet is payable by the franchisor, owner of the chain, banner or group, as the case may be, or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, by their representative in Québec, or where there is no representative, by the retailer.

5. The following are exempt from paying a contribution in respect of the containers and packaging in relation to which they are already required to take recovery or reclamation measures:

(1) persons who are already required under a regulation made under the Environment Quality Act to take measures or contribute financially towards measures to recover or reclaim containers or packaging;

(2) persons already required under a consignment system recognized under Québec law to take measures or contribute financially towards measures to recover or reclaim containers or packaging, such as beer and soft drink non-refillable containers; and

(3) persons who are able to establish that they participate directly or contribute financially towards another system to recover and reclaim containers or packaging that operates on an established and regular basis in Québec, such as the program for the recovery of refillable beer bottles existing on 24 November 2004.

§2. Written media and printed matter classes

6. Only the owner of a brand, a name or a distinguishing guise identifying material included in the written media or printed matter class of materials may be required to pay a contribution pursuant to a schedule of contributions established under section 53.31.14 of the Act in respect of that material.

If the owner has no domicile or establishment in Québec, payment of the contribution may be required from the first supplier in Québec of the written media or printed matter, whether or not that supplier is the importer.

For the purposes of this section, “brand,” “name” and “distinguishing guise” have the meaning given to those terms in section 3, with the necessary modifications.

DIVISION IV MAXIMUM CONTRIBUTION LIMITS AND PAYMENT TERMS AND CONDITIONS

7. The percentage of the total of the net costs of the services provided by municipalities subject to compensation in relation to each class of materials is,

(1) for the containers and packaging class of materials: 50%;

(2) for the written media class of materials: 50%; and

(3) for the printed matter class of materials: 50%.

8. During the first five years a compensatory contribution is payable in relation to written media,

(1) the maximum amount of the compensatory contribution may not exceed \$1.3 million yearly; and

(2) the total amount of the annual compensation may be paid through contributions of goods or services, except for the portion of the amount that the Société québécoise de récupération et de recyclage is entitled to receive under section 53.31.18 of the Environment Quality Act.

DIVISION V FINAL

9. This Regulation comes into force on the first day of the fourth month following the month of its publication in the *Gazette officielle du Québec*.

6580

Gouvernement du Québec

O.C. 1064-2004, 16 November 2004

Professional Code
(R.S.Q., c. C-26)

Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders — Amendment

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, namely the Ordre des infirmières et infirmiers auxiliaires du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult, in particular, with the educational institutions and the order concerned, the Conférence des recteurs et des principaux des universités du Québec in the case of university-level diplomas, the Fédération des cégeps in the case of college-level diplomas, and the Minister of Education;

WHEREAS, in accordance with that provision, the Office has consulted, as required;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 15 September 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Chair of the Office following that publication;

WHEREAS, on 26 April 2004, the Ordre des infirmières et infirmiers auxiliaires du Québec gave its agreement in respect of the proposed amendments;

WHEREAS, on 8 November 2004, the Office gave a favourable opinion so that the Regulation attached to this Order in Council may be made by the Government;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. Section 3.01 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is replaced by the following:

"3.01. The secondary school vocational diplomas in "Santé, assistance et soins infirmiers" and in "Health, Assistance and Nursing", awarded by the Minister of Education following studies completed at the following school boards: L'Amiante, Baie-James, Beauce-Etchemin, Bois-Francs, Charlevoix, Chemin-du-Roy, Chic-Chocs, Crie, Eastern Shores, Eastern Townships, Estuaire, Fer, Harricana, Hautes-Rivières, Îles, Kamouraska-Rivière-du-Loup, Lac-Saint-Jean, Laurentides, Laval, Lester B. Pearson, Montréal, Navigateurs, Phares, Pierre-Neveu, Portages-de-l'Outaouais, Portneuf, Premières-Seigneuries, Région-de-Sherbrooke, René-Lévesque, Rives-du-Saguenay, Rivière-du-Nord, Saint-Hyacinthe, Samares, Sorel-Tracy, Val-des-Cerfs and Vallée-des-Tisserands, at CDI College (Business, Technology, Health Care) and at the Institut de formation Santé Régie, give access to the permit issued by the Ordre des infirmières et infirmiers auxiliaires du Québec."

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

6583

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 19-2004 dated 14 January 2004 (2004, *G.O.* 2, 805) and 211-2004 dated 17 March 2004 (2004, *G.O.* 2, 1148). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

M.O., 2004-015**Order of the Minister of Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 15 November 2004**

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01);

CONSIDERING Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil du médicament has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 15 November 2004

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan*

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01, s. 60)

1. The Regulation respecting the List of medications covered by the basic prescription drug insurance plan is amended, in the List of medications attached thereto, by replacing the information accompanying the following medications by the following information:

* The Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Minister's Order 1999-014 dated 15 September 1999 (1999, *G.O.* 2, 3197) of the Minister of State for Health and Social Services and Minister of Health and Social Services, was last amended by Minister's Orders 2003-010 dated 10 September 2003 (2003, *G.O.* 2, 2915A), 2003-012 dated 28 October 2003 (2003, *G.O.* 2, 3288), 2003-013 dated 2 December 2003 (2003, *G.O.* 2, 3472), 2004-002 dated 19 January 2004 (2004, *G.O.* 2, 828), 2004-006 dated 15 April 2004 (2004, *G.O.* 2, 1376), 2004-008 dated 17 June 2004 (2004, *G.O.* 2, 2028) and 2004-013 dated 21 September 2004 (2004, *G.O.* 2, 2864) of that Minister. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 September 2004.

CODE	BRAND NAME	MANUFACTURER	PKG. SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	-----------	-------------------	------------

28:08.04 NONSTERIODAL ANTI-INFLAMMATORY AGENTS**MELOXICAM** 

Tab.		7,5 mg			
02248973	Apo-Meloxicam	Apotex	100	49.13	0.4913
02248607	Phl-Meloxicam	Pharmel	500	245.70	0.4914
02248267	pms-Meloxicam	Phmscience	500	245.70	0.4914
02247889	Ratio-Meloxicam	Ratiopharm	500	245.70	0.4914

Tab.		15 mg			
02248974	Apo-Meloxicam	Apotex	100	56.70	0.5670
02248608	Phl-Meloxicam	Pharmel	500	283.50	0.5670
02248268	pms-Meloxicam	Phmscience	500	283.50	0.5670
02248031	Ratio-Meloxicam	Ratiopharm	500	283.50	0.5670

28:16.04 ANTIDEPRESSANTS**MIRTAZAPINE** 

Tab.		15 mg			
02250594	Rhoxal-Mirtazapine	Rhoxal	50	19.53	0.3906

Tab.		30 mg			
02248762	pms - Mirtazapine	Phmscience	100	78.12	0.7812
02250608	Rhoxal-Mirtazapine	Rhoxal	100	78.12	0.7812

PAROXETINE HYDROCHLORIDE 

Tab.		10 mg			
02240907	Apo-Paroxetine	Apotex	100	104.30	1.0430
02248012	Gen-Paroxetine	Genpharm	100	104.30	1.0430
02248556	Novo-Paroxetine	Novopharm	100	104.30	1.0430
02248913	Paroxetine-10	Pro Doc	100	104.30	1.0430
02248450	Phl-Paroxetine	Pharmel	100	104.30	1.0430
02247750	pms-Paroxetine	Phmscience	100	104.30	1.0430
02247810	Ratio-Paroxetine	Ratiopharm	30	31.29	1.0430
02248559	Riva-Paroxetine	Riva	250	260.75	1.0430

CODE	BRAND NAME	MANUFACTURER	PKG. SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	-----------	-------------------	------------

28:16.08 ANTIPSYCHOTIC AGENTS**LOXAPINE SUCCINATE** 

Tab.			5 mg	LPM	
02236943	Loxapine	Pharmel	500	75.00	➔ 0.1500

Tab.			10 mg	LPM	
02236944	Loxapine	Pharmel	500	124.90	➔ 0.2498

Tab.			25 mg	LPM	
02236945	Loxapine	Pharmel	500	193.60	➔ 0.3872

Tab.			50 mg	LPM	
02236946	Loxapine	Pharmel	500	258.10	➔ 0.5162

28:92 MISCELLANEOUS CENTRAL NERVOUS SYSTEM AGENTS**LEVODOPA/CARBIDOPA** 

L.A. Tab.			200 mg -50 mg	LPM	
02245211	Apo-Levocarb CR	Apotex	500	369.25	➔ 0.7385

52:08 ANTI-INFLAMMATORY AGENTS**FLUNISOLIDE** 

Nasal spray			0.025 %	LPM	
02239288	Apo-Flunisolide	Nu-Pharm	25 ml	➔ 12.47	
00878790	Ratio-Flunisolide	Ratiopharm	25 ml	➔ 12.47	
01927167	Rhinaris-F	Phmscience	25 ml	➔ 12.47	

68:08 ANDROGENS**TESTOSTERONE CYPIONATE** 

Oily Inj. Sol.			100 mg/mL	LPM	
01977601	Testosterone	Cytex	2 ml	2.59	➔ 1.2950
02246063	Testosterone	Sabex	10 ml	12.95	➔ 1.2950

CODE	BRAND NAME	MANUFACTURER	PKG. SIZE	COST OF PKG. SIZE	UNIT PRICE
------	------------	--------------	-----------	----------------------	------------

84:06 ANTI-INFLAMMATORY AGENTS**HYDROCORTISONE ACETATE/ UREA **

Top. Cr.			1 % -10 %	LPM	
00681989	Dermaflex HC	Néolab	225 g	27.50	➔ 0.1222

EXCEPTIONAL MEDICATIONS**IMIQUIMOD **

Top. Cr.			250 mg/sac.		
02239505	Aldara	3M Canada	12	137.00	11.4167

2. This Regulation comes into force on 24 November 2004.

6589

Draft Regulations

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Elimination of residual materials and contaminated soils — Charges payable

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the draft Regulation respecting charges payable for the elimination of residual materials and contaminated soils, the text of which appears below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to establish a charge for the elimination of residual materials and contaminated soils in certain elimination sites. The charge is fixed at \$10 for each ton of materials accepted for elimination. The elimination sites for which that charge is to apply include sanitary landfill sites, dry materials disposal sites and incinerators governed by the Regulation respecting solid waste (R.R.Q., 1981, c. Q-2, r.14). Those sites will be required to have weighing devices for materials accepted for elimination. Transitional measures are also provided for certain elimination sites that will not yet have weighing devices on 1 January 2006.

The draft Regulation is being proposed to constitute funds necessary for the development of recycling and composting activities through the establishment of regulatory charges, as well as to reduce the annual quantities of residual materials sent to elimination, extend the service life of elimination sites and reduce pollution resulting from the elimination of residual materials.

The proposed Regulation will have an impact on municipalities, operators of elimination sites and enterprises generating residual materials.

Further information on the draft Regulation may be obtained by contacting André G. Bernier, Direction des affaires intergouvernementales et des études économiques, Ministère de l'Environnement, at the following address: édifice Marie-Guyart, 29^e étage, boîte 97, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: (418) 521-3828 extension 4053; fax: (418) 644-4598 or email: agbernier@menv.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 the Environment, édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

THOMAS J. MULCAIR,
Minister of the Environment

Regulation respecting charges payable for the elimination of residual materials and contaminated soils

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. b and e.1, s. 70, par. 5, ss. 109.1 and 124.1)

1. The purpose of this Regulation is to prescribe the charges payable for the elimination of residual materials and contaminated soils in elimination sites.

2. This Regulation applies to the following elimination sites:

(1) sanitary landfill sites, dry materials disposal sites and incinerators governed by the Regulation respecting solid waste (R.R.Q., 1981, c. Q-2, r.14);

(2) the incinerator the establishment of which was authorized under section 22 of the Environment Quality Act (R.S.Q., c. Q-2) on the territory of Îles-de-la-Madeleine for the purpose of eliminating household garbage produced on the islands;

(3) incinerators for sludge from municipal waste water treatment works; and

(4) contaminated soil burial sites governed by the Regulation respecting the burial of contaminated soils made by Order in Council 843-2001 dated 27 June 2001.

3. Every operator of an elimination site referred to in section 2 must pay elimination charges of \$10 for each ton of materials accepted for elimination.

No charge is payable for incineration residue from an incinerator referred to in that section.

4. The charges are indexed on 1 January of each year on the basis of the rate of increase in the Consumer Price Index for Canada, as published by Statistics Canada. The rate is calculated by establishing the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the equivalent period of the year before the preceding year.

The Minister of the Environment shall inform the public of the result of the indexing under this section in Part 1 of the *Gazette officielle du Québec* and, where the Minister considers it appropriate, by any other means.

5. The charges prescribed by section 3 are payable to the Minister of Finance, as the case may be, not later than 15 March, 15 June, 15 September and 15 December of each year for the preceding three-month period.

In addition to the payment of those charges, a document containing the following particulars must be sent to the Minister of the Environment:

(1) the operator's name and address;

(2) the quantity, by weight, of materials accepted for elimination during the quarter covered by the charges, specifying, where applicable, the quantity by weight of incineration residue from an incinerator referred to in section 2;

(3) the method of elimination of the materials; and

(4) the amount of the charges paid.

If no charge is payable for a given quarter, the operator must notify the Minister thereof within the same time and provide the reasons.

6. Charges not paid within the prescribed time bear interest, from the due date, at the rate determined under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

In addition to the interest payable, the following amounts are added to every amount outstanding:

(1) 7% of the amount of the unpaid charges where the delay does not exceed seven days;

(2) 11% of the amount of the unpaid charges where the delay does not exceed 14 days; and

(3) 15% of the amount of the unpaid charges in any other case.

7. All materials accepted for elimination must, upon receipt, be weighed at the elimination site.

Weighing devices for the materials must be installed, used and maintained so as to provide reliable data.

8. For every load of materials accepted for elimination, the following particulars must be entered in an annual operations register:

(1) the carrier's name;

(2) the nature of the materials transported and eliminated;

(3) the quantity of materials, expressed in weight;

(4) the quantity of incineration residue from an incinerator referred to in section 2, expressed in weight, where applicable;

(5) the origin of the materials and, where applicable, the origin of incineration residue; and

(6) the date of receipt.

The annual operations registers must be kept at the elimination site and be available to the Minister for at least five years as of the date of the last entry.

9. Within 60 days following the end of each year, the operator of a sanitary landfill site, dry materials disposal site, construction or demolition waste landfill or contaminated soil burial site, must have an outside expert who is a land surveyor prepare an assessment of the quantity, by weight, of materials eliminated during the year at the elimination site and send the assessment to the Minister.

10. Within 60 days following the coming into force of this Regulation, the operator of a sanitary landfill site, dry materials disposal site, construction or demolition waste landfill or contaminated soil burial site must, for the purposes of the assessment provided for in section 9, prepare a report containing a plan and data showing the extent of landfill operations at the site, in particular filled deposit sites, those in operation and the remaining landfill capacity available.

The report must be kept at the elimination site and be available to the outside expert.

11. The operator of an elimination site existing on the date of coming into force of this Regulation that does not have a weighing device for materials and

that receives less than 20,000 tons of materials per year is exempted from the requirements of section 7 for a three-year period as of the date of coming into force of this Regulation. The tonnage of 20,000 tons or less at a site must be validated by an outside expert.

In addition to the particulars mentioned in the document referred to in the second paragraph of section 5, the operator of the site must also indicate in the document the method used to determine the quantity, by weight, of the materials accepted for elimination and, if the materials were weighed before they were accepted, the place where they were weighed and the name and address of the person or municipality that weighed the materials.

12. Every operator who commits an offence against the provisions of sections 3, 5, 7 to 10 and the provisions of the second paragraph of section 11 is liable to a fine

(1) of \$2000 to \$15,000 in the case of a natural person; and

(2) of \$5000 to \$100,000 in the case of a legal person.

In the case of a second or subsequent offence, the fines are doubled.

13. This Regulation applies to a reserved area and to an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

14. This Regulation comes into force on 1 January 2006.

6581

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Forest royalties — 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 forest royalties, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to modify the rules for calculating the value of silvicultural treatments and other forest resources protection and develop-

ment activities accepted in lieu of payment of the dues prescribed by the Minister of Natural Resources, Wildlife and Parks, and to establish new conditions governing the granting of the credits applicable to the payment of dues.

The draft Regulation will have no significant impact on the public or on enterprises other than as concerns the royalties payable by forest enterprises and the new requirement to publish in a regional newspaper a yearly notice describing all the silvicultural treatments and other activities that holders of a timber supply and forest management agreement, a forest management agreement or a forest management contract intend to carry out in the region concerned. The total cost of the new requirement is estimated to be approximately \$50,000 per year for all enterprises taken as a whole.

Further information on the draft Regulation may be obtained by contacting Pierre Cornellier, Office of the Associate Deputy Minister for Forests, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4; telephone: (418) 627-8658, extension 4003; fax: (418) 646-3387; e-mail: pierre.cornellier@mrnfp.gouv.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period mentioned above, to Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL,
*Minister for Forests,
Wildlife and Parks*

SAM HAMAD,
*Minister of Natural Resources,
Wildlife and Parks*

Regulation to amend the Regulation respecting forest royalties*

Forest Act
(R.S.Q., c. F-4.1, ss. 73.1 to 73.3 and 172, 1st par.,
subpars. 3 and 3.1)

1. The Regulation respecting forest royalties is amended by replacing section 11 by the following:

* The Regulation respecting forest royalties, made by Order in Council 372-87 dated 18 March 1987 (1987, *G.O.* 2, 1099), was last amended by the regulation made by Order in Council 192-2002 dated 28 February 2002 (2002, *G.O.* 2, 1575). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

“11. The value of silvicultural treatments and other activities intended to promote the protection or development of forest resources carried out by an agreement holder in forests in the domain of the State and admissible as payment of the dues prescribed by the Minister, pursuant to section 73.1 of the Forest Act, is

(1) for silvicultural treatments and other activities not involving the harvest of timber for a wood processing plant, 80% of the cost of carrying out, planning and monitoring the silvicultural treatments or activities; or

(2) for silvicultural treatments and other activities involving the harvest of timber for a wood processing plant, 80% of the difference calculated by the Minister each year between

(a) the average unit cost of carrying out, planning and monitoring the silvicultural treatment or activity concerned; and

(b) the average cost, for a single unit of measurement, of a cut where all the marketable trees are harvested.

The percentage in subparagraphs 1 and 2 of the first paragraph is reduced to 70% as of 1 April 2006.

The cost of planning and monitoring silvicultural treatments includes on-site searches of areas to be treated, the delimitation of forest management sectors, management inventories before and after treatment, including the inventory after marking, and the scaling of treated areas.

The management inventories referred to in the third paragraph are those required in the document entitled *Méthodes d'échantillonnage pour les inventaires d'intervention et pour les suivis des interventions forestières*, published by the Minister.

11.1. To obtain the credits referred to in section 11, an agreement holder must

(1) publish in a regional newspaper a notice describing, per management unit, all the silvicultural treatments and other activities to be carried out by the agreement holder to protect or develop forest resources in the region, itemizing the carrying out, planning and monitoring of the silvicultural treatments or activities;

(2) send the Minister a copy of the notice referred to in subparagraph 1;

(3) file with the Minister, within 30 days of their signing, a copy of the contracts between the agreement holder and third persons entrusting them with the carrying

out, planning or monitoring of the silvicultural treatments and other activities to protect or develop forest resources described in the notice referred to in subparagraph 1; and

(4) provide the Minister with a list of the silvicultural treatments and other activities to protect or develop forest resources that the agreement holder does not intend to entrust to third persons, itemizing the carrying out, planning and monitoring of the silvicultural treatments and activities, and with an estimate of the cost of carrying out, planning and monitoring the silvicultural treatments or activities.

To obtain the credits under subparagraph 1 of the first paragraph of section 11, the agreement holder must also, when submitting the report referred to in section 70 of the Forest Act, provide vouchers for the cost of carrying out, planning and monitoring the silvicultural treatments and other activities to protect or develop forest resources, or a financial report relating to the costs and audited by an accountant not employed by the agreement holder.”.

2. Section 13 is amended

(1) by replacing subparagraph 1 of the first paragraph by the following:

“(1) the cost referred to in subparagraph 1 or 2 of the first paragraph of section 11, according to whether the activities involve the harvest of timber for a wood processing plant, if the activities are carried out in a forest in the domain of the State; or”;

(2) by replacing the second and third paragraphs by the following:

“Despite the foregoing, where the unit cost of an activity cannot be determined pursuant to the first paragraph of section 11, or where the value of an activity cannot be established using the list referred to in subparagraph 2 of the first paragraph, the value of the activity is to be fixed by the Minister according to the cost approach applicable to property assessment, by comparing the activities to similar activities whose unit cost is known. If the third person carrying out the activities is a for-profit organization, the value admissible as payment of the dues prescribed by the Minister is reduced to 90% of the value so fixed.”;

(3) by striking out “fixed in accordance with the third paragraph” in the fourth paragraph.

3. Section 15 is amended

(1) by replacing subparagraphs 1, 2 and 3 of the first paragraph by the following:

“(1) the silvicultural treatments and other forest management activities carried out by the agreement holder in each of the forest management sectors and for which the agreement holder requests a provisional credit applicable to the payment of the dues prescribed by the Minister, itemizing the carrying out, planning and monitoring of the silvicultural treatments or activities;

(2) the quantity of the silvicultural treatments and other activities calculated per hectare, per thousand plants, per thousand microsites or per linear or cubic metre, as the case may be;

(3) for silvicultural treatments and other activities not involving the harvest of timber for a wood processing plant, the cost of carrying out, planning and monitoring the silvicultural treatments and activities;

(4) for silvicultural treatments and other activities involving the harvest of timber for a wood processing plant, their unit cost fixed by the Minister pursuant to subparagraph 2 of the first paragraph of section 11;

(5) the names of the third persons that have entered into a contract with the agreement holder and carried out the silvicultural treatments and other activities, their planning or their monitoring;

(6) the reference numbers of the contracts entered into by the agreement holder with third persons entrusting them with the carrying out, planning or monitoring of the silvicultural treatments and other activities; and

(7) the regional county municipalities where the silvicultural treatments and other forest management activities have been carried out.”;

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

“Where applicable, the periodic progress report on the silvicultural treatments and other forest management activities must be accompanied by vouchers or documents showing that the amounts claimed by the agreement holder have been paid to the person contractually responsible for the carrying out, planning or monitoring of the silvicultural treatments or other activities.”;

(3) by striking out “, and the declaration referred to in subparagraph 3 of the first paragraph shall be signed by that person” in the first sentence of the last paragraph.

4. Section 16 is amended by replacing “1 April 2005” by “1 April 2006”.

5. This Regulation comes into force on 1 April 2005.

6584

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Radiology technologists — Standards for diploma or training equivalence for the issue of a permit

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 respecting the standards for diploma or training equivalence for the issue of a permit by the Ordre des technologues en radiologie du Québec, made by the Bureau of the Ordre des technologues en radiologie du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to specify, pursuant to paragraph c of section 93 of the Professional Code, the standards for the equivalence of diplomas issued by educational institutions outside Québec, for the issue of a permit by the Ordre des technologues en radiologie du Québec and the standards for the training equivalence of a person who does not hold a diploma required for such purpose.

The draft Regulation replaces the Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des techniciens en radiologie du Québec, approved by Order in Council 1439-92 dated 23 September 1992;

The Order foresees the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Alain Crompt, Director General and Secretary, Ordre des technologues en radiologie du Québec, 6455, rue Jean-Talon Est, bureau 401, Saint-Léonard (Québec) H1S 3E8; telephone: (514) 351-0052; fax: (514) 355-2396.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec,

800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

GAÉTAN LEMOYNE,
*Chair of the Office des
professions du Québec*

Regulation respecting the standards for diploma or training equivalence for the issue of a permit by the Orde des technologues en radiologie du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. c)

DIVISION I GENERAL

1. The secretary of the Ordre des technologues en radiologie du Québec shall forward a copy of this Regulation to a candidate wishing to be granted an equivalence for a diploma issued by an educational institution outside Québec or a training equivalence to be issued a permit by the Order.

2. In this Regulation,

(1) “diploma equivalence” means recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Professional Code (R.S.Q., c. C-26), that a diploma issued by an educational institution outside Québec certifies that the level of knowledge and skills attained by its holder is equivalent to the level attained by the holder of a diploma recognized by a regulation of the Government, made under the first paragraph of section 184 of the Code, as giving access to the permit of the Order;

(2) “training equivalence” means recognition by the Bureau of the Order, pursuant to subparagraph *g* of the first paragraph of section 86 of the Code, that the training of a candidate shows that the candidate has the level of knowledge and skills equivalent to the level attained by the holder of a diploma recognized by a regulation of the Government, made under the first paragraph of section 184 of the Code, as giving access to the permit of the Order.

DIVISION II DIPLOMA EQUIVALENCE STANDARDS

3. A candidate holding a diploma issued by an educational institution outside Québec shall be granted an equivalence of diploma if the diploma was issued upon completion of studies of a level equivalent to the college level comprising a minimum of training hours apportioned as follows:

(1) 2805 hours of training including 2125 hours of specific training in radiodiagnostic technology apportioned as follows:

(a) 100 hours of anatomy and physiology applied to radiodiagnostics;

(b) 115 hours of physics applied to radiodiagnostics;

(c) 115 hours on radiodiagnostic apparatus;

(d) 50 hours in pharmacology and medication administration methods;

(e) 60 hours of care and health and safety in radiodiagnostics;

(f) 55 hours of helping relationships and communication in radiodiagnostics;

(g) 80 hours of image production in radiodiagnostics;

(h) 75 hours of radioprotection;

(i) 275 hours of examination methods in general radiology, tomodensitometry and ultra-sonography;

(j) 50 hours of examination methods in radiology and magnetic resonance imaging;

(k) 920 hours of clinical practice in general radiodiagnostics;

(l) 115 hours of clinical practice in ultra-sonography;

(m) 115 hours of clinical practice in tomodensitometry;

(2) 2925 hours of training including 2260 hours of specific training in nuclear medicine technology apportioned as follows:

(a) 60 hours of chemistry applied to nuclear medicine;

(b) 45 hours of measuring and image production in nuclear medicine;

(c) 75 hours of electronics applied to nuclear medicine;

(d) 60 hours on the effects of radiation on matter and living beings;

(e) 105 hours on mathematical problems in nuclear medicine;

(f) 60 hours in biochemistry applied to nuclear medicine;

(g) 45 hours of care methods in nuclear medicine;

(h) 75 hours in radiopharmacology;

(i) 60 hours of health and safety and radioprotection in nuclear medicine;

(j) 90 hours of anatomy and physiology applied to nuclear medicine;

(k) 175 hours on apparatus in nuclear medicine;

(l) 60 hours in helping relationships and communication in nuclear medicine;

(m) 75 hours in data input in nuclear medicine;

(n) 75 hours of quality control in nuclear medicine;

(o) 75 hours on the components of urinary and central nervous systems;

(p) 60 hours on the components of the heart and circulatory system;

(q) 105 hours on the components of the osteo-articular and endocrinian systems;

(r) 90 hours on the components of the digestive and respiratory systems and other systems;

(s) 870 of clinical practice; or

(3) 2595 hours of training including 1915 hours of specific training in radio-oncology technology apportioned as follows:

(a) 100 hours of anatomy and physiology applied to radio-oncology;

(b) 125 hours of physics applied to radio-oncology;

(c) 60 hours of health and safety and radioprotection;

(d) 75 hours on apparatus and teleradiotherapy;

(e) 95 hours of dosimetry;

(f) 60 hours of radio-oncology;

(g) 160 hours of care methods in external radiotherapy;

(h) 45 hours on the making of accessories in radio-oncology;

(i) 40 hours in brachytherapy;

(j) 95 hours of simulation methods;

(k) 60 hours of helping relationships and communication in radio-oncology;

(l) 700 hours of clinical practice in external radiotherapy;

(m) 150 hours of clinical practice in simulation;

(n) 150 hours of clinical practice in dosimetry.

4. Despite section 3, where the diploma in respect of which an equivalence application has been filed was issued 5 or more years prior to the application, a diploma equivalence shall be denied if the candidate's knowledge, taking into account developments in the profession, no longer correspond to the knowledge which at the moment of the application is being taught in a program of studies leading to a diploma recognized by a regulation of the Government, made under the first paragraph of section 184 of the Code, as giving access to the permits.

A diploma equivalence shall be granted if the candidate's work experience and training that have been acquired have enabled the candidate to reach the required level of knowledge.

DIVISION III **TRAINING EQUIVALENCE STANDARDS**

5. A candidate shall be granted a training equivalence if the candidate demonstrates that his or her level of knowledge and skills in radiodiagnostic technology, nuclear medicine technology and radio-oncology technology is equivalent to the level of knowledge acquired by the holder of a diploma recognized by a regulation of the Government, made under the first paragraph of section 184 of the Code, as giving access to the permit of the Order.

To determine the training equivalence of a candidate, the Bureau shall take all the following factors into consideration:

- (1) the nature and duration of the relevant work experience of the candidate;
- (2) the nature and content of the courses taken and the results obtained;
- (3) the training periods and the other continuing training or upgrading activities;
- (4) the total number of years of schooling;
- (5) the fact that the candidate holds one or more diplomas issued in Québec or elsewhere.

6. Despite section 5, where the training in respect of which an equivalence application has been filed was completed 5 or more years prior to the application, an equivalence shall be denied if the candidate's knowledge and skills, taking into account developments in the profession, no longer correspond to the knowledge and skills which, at the moment of the application, are obtained after completion of a program of studies leading to a diploma recognized by a regulation of the Government, made under the first paragraph of section 184 of the Code, as giving access to the permit.

DIVISION IV **EQUIVALENCE RECOGNITION PROCEDURE**

7. A candidate applying in writing for a diploma equivalence or a training equivalence to be issued a permit of the Order shall provide the secretary of the Order with the following supporting documents, and with the fees for examination of the application payable pursuant to paragraph 8 of section 86.0.1 of the Code:

- (1) the candidate's academic record including a description of the courses taken, the number of hours of each and the results obtained;
- (2) a copy of the diplomas held by the candidate, certified by the educational institution;
- (3) an attestation of the candidate's successful completion of the training periods;
- (4) an attestation and description of the candidate's relevant work experience;
- (5) where applicable, an attestation of the candidate's participation in continuing training or upgrading activities in the field since the diploma was obtained.

8. Where the documents forwarded in support of an equivalence application are written in a language other than French or English, they must be accompanied by a translation in French or in English attested to by a sworn declaration from the person who did the translation.

9. The person designated by the Bureau to examine the equivalence applications shall make the appropriate recommendations to the Bureau.

In order to make an appropriate recommendation, that person may require the applicant for a training equivalence to come to an interview, to pass an examination, to complete a training period, or all three of those.

10. At the first meeting following the date of receipt of the recommendation referred to in section 9, the Bureau shall decide

- (1) to grant a diploma or training equivalence to the candidate;
- (2) to recognize part of the training equivalence of the candidate; or
- (3) to refuse to recognize the diploma or training equivalence of the candidate.

The Bureau shall notify the candidate of its decision by registered mail within 15 days of the decision.

Where the Bureau refuses to recognize the equivalence applied for or recognizes part of the training equivalence, it must, at the same time, inform the candidate in writing of the programs of study or, as the case may be, additional training, training periods or examinations that must be successfully completed, within the time period allowed, for the equivalence to be granted.

11. A candidate who is informed of the Bureau's decision not to recognize the equivalence applied for or to recognize part of it may apply to the Bureau for review, provided that the candidate applies to the secretary in writing within 30 days after the date on which the decision is received.

The Bureau shall, at the first regular meeting following the date of receipt of the application, study the application for review. It must, before making a decision, allow the candidate to make submissions at the meeting.

A candidate who wishes to be present at the meeting to make submissions must notify the secretary at least five days before the date of the meeting. The candidate may, however, send written submissions to the secretary at any time before the date scheduled for the meeting.

The decision of the Bureau is final and must be sent to the candidate in writing by registered mail within 30 days following the date of the meeting.

12. This Regulation replaces the Regulation respecting the standards for equivalence of diploma for the issue of a permit by the Ordre des techniciens en radiologie du Québec, approved by Order in Council 1439-92 dated 23 September 1992.

13. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

Index

Abbreviations : **A** : Abrogated, **N** : New, **M** : Modified

	Page	Comments
Charges payable for the elimination of residual materials and contaminated soils (Environment Quality Act, R.S.Q., c. Q-2)	3161	Draft
Compensation for municipal services provided to recover and reclaim residual materials (Environment Quality Act, R.S.Q., c. Q-2)	3153	N
Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders (Professional Code, R.S.Q., c. C-26)	3155	N
Environment Quality Act — Charges payable for the elimination of residual materials and contaminated soils (R.S.Q., c. Q-2)	3161	Draft
Environment Quality Act — Compensation for municipal services provided to recover and reclaim residual materials (R.S.Q., c. Q-2)	3153	N
Forest Act — Forest royalties (R.S.Q., c. F-4.1)	3163	Draft
Forest royalties (Forest Act, R.S.Q., c. F-4.1)	3163	Draft
List of Bills sanctioned (10 November 2004)	3151	
List of medications covered by the basic prescription drug insurance plan (An Act respecting prescription drug insurance, R.S.Q., c. A-29.01)	3157	M
Prescription drug insurance, An Act respecting... — List of medications covered by the basic prescription drug insurance plan (R.S.Q., c. A-29.01)	3157	M
Professional Code — Diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders ... (R.S.Q., c. C-26)	3155	N
Professional Code — Radiology technologists — Standards for diploma or training equivalence for the issue of a permit (R.S.Q., c. C-26)	3165	Draft
Radiology technologists — Standards for diploma or training equivalence for the issue of a permit (Professional Code, R.S.Q., c. C-26)	3165	Draft

