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Coming into force of Acts

Gouvernement du Québec

O.C. 624-2006, 28 June 2006

An Act respecting the Health and Welfare Commissioner (2005, c. 18)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting the Health and Welfare Commissioner

WHEREAS the Act respecting the Health and Welfare Commissioner (2005, c. 18) was assented to on 17 June 2005;

WHEREAS, under section 47 of the Act, it came into force on 17 June 2005, except the provisions of sections 2, 14 to 23, 28, 33, 34, 36 and 38 to 45, which come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the date of coming into force of sections 2, 14, 17 to 21, 23, 28, 33, 34, 36 and 38 to 44 of the Act respecting the Health and Welfare Commissioner (2005, c.18);

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT sections 2, 14, 17 to 21, 23, 28, 33, 34, 36 and 38 to 44 of the Act respecting the Health and Welfare Commissioner (2005, c.18) come into force on 14 August 2006.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7683

Regulations and other acts

Gouvernement du Québec

O.C. 623-2006, 28 June 2006

An Act to amend the Act respecting health services and social services and other legislative provisions (R.S.Q., c. S-4.2)

Determination of the deadline by which an institution must establish a watchdog committee

WHEREAS the Act to amend the Act respecting health services and social services and other legislative provisions (2005, c. 32) was assented to on 30 November 2005;

WHEREAS, under sections 91 and 93 of the Act, sections 181.0.1 and 182.0.1 were introduced into the Act respecting health services and social services (R.S.Q., c. S-4.2) to provide for the creation of a watchdog committee by an institution;

WHEREAS, under section 341 of the Act to amend the Act respecting health services and social services and other legislative provisions, several provisions of the Act, including sections 91 and 93, came into force on 1 April 2006;

WHEREAS, under the first paragraph of section 312 of the Act, an institution must establish the watchdog committee not later than 1 July 2006 or at any later date determined by the Government;

WHEREAS the watchdog committees cannot be established by 1 July 2006 as had been provided and it is expedient to set another deadline by which an institution must establish the watchdog committee in accordance with the first paragraph of section 312 of the Act;

WHEREAS 1 April 2007 should be set as that deadline;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 1 April 2007 be set as the deadline by which an institution must establish a watchdog committee.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7685

Gouvernement du Québec

O.C. 644-2006, 28 June 2006

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

Medical technologists — Professional activities that may be engaged in by medical technology externs

Regulation respecting the professional activities that may be engaged in by medical technology externs

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Bureau of the Ordre professionnel des technologistes médicaux du Québec made the Regulation respecting the professional activities that may be engaged in by medical technology externs;

WHEREAS, under section 95 of the Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 March 2006 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS, in accordance with section 17 of the Regulations Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made or approved;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that approves it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the coming into force on the date of publication in the *Gazette officielle du Québec*:

— to address the severe shortage of medical technology personnel expected in health institutions during the summer, it is necessary to authorize externs to practise medical technology in order to alleviate the shortage and, to that end, to permit the *Ordre professionnel des technologistes médicaux du Québec* to determine, as soon as possible, the eligibility of the persons covered by the Regulation;

— the Regulation must come into force quickly for reasons of public interest and public health to enable the health network to maintain, without interruption, its services to the public using medical technology externs to collect venous specimens and in so doing meet the high demand currently being felt in the hospitals;

— with the presence of externs permitting the members of the *Ordre professionnel des technologistes médicaux du Québec* to engage in activities requiring a high level of expertise, namely the technical validation of analysis results, the measures implemented will prevent delays in the collection of venous specimens and delivery of analysis results and consequently avoid delays in the diagnosis by physicians and in the subsequent treatment of patients;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the professional activities that may be engaged in by medical technology externs, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by medical technology externs

Professional Code
(R.S.Q., c. C-26, s. 94, par. h)

1. The purpose of this Regulation is to determine, from among the professional activities that may be engaged in by medical technologists, those that may be engaged in by medical technology externs, on the terms and conditions set out herein, outside the framework of the program of studies in medical technology.

2. To be authorized to engage in the activities referred to in the first paragraph of section 3, a medical technology extern must

(1) have successfully completed the first two years of a program of studies leading to a diploma giving access to the permit issued by the *Ordre professionnel des technologistes médicaux du Québec* less than 18 months previously, including the skills involved in “Client intervention” and “Specimen taking”, and provide to the Secretary of the Order an attestation to that effect signed by the program director;

(2) be entered in the register of externs held by the Order;

(3) have completed an integration program of at least 15 days designed to familiarize the extern with the policies and guidelines of the institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) where the extern is engaged in the activities; and

(4) have the required knowledge and skill.

3. A medical technology extern may engage in the following activities, from 15 May to 31 August and 15 December to 20 January, in an institution referred to in paragraph 3 of section 2, if the health status of the patient is not critical, on the condition that the extern does so under the supervision of a medical technologist who is on the premises:

- (1) take specimens ; and
- (2) introduce an instrument, according to a prescription, into a peripheral vein.

When engaging in those activities, a medical technology extern must comply with the rules that apply to medical technologists, in particular the rules relating to ethics and the standards governing the practice of the profession of medical technologist.

4. A medical technology extern must record all interventions in the user's record and sign each entry, adding the abbreviation "M.T. ext."

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

Draft Regulations

Draft Regulation

An Act respecting liquor permits
(R.S.Q., c. P-9.1)

Liquor permits — 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 liquor permits, the text of which appears below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation will allow the Régie des alcools, des courses et des jeux to issue periodic reunion permits.

To that end, it proposes to amend the Regulation respecting liquor permits to remove the maximum number of reunion permits that a person may apply for in the same year. It also provides that an event may be constituted of two or more activities that will require the issue of only one reunion permit. In addition, it establishes certain criteria the board is to take into account when issuing a reunion permit even though its use may constitute an operation for which another permit could be issued. The draft Regulation also proposes a consolidation of events for which a reunion permit to sell or serve may be issued by the board. The events involved are social, cultural, educational, sporting and family events.

The draft Regulation also introduces a provision to authorize a non-profit organization to apply for a reunion permit to support a funding activity the profits from which may be paid to another non-profit organization whose establishment is in Québec.

In addition, the draft Regulation authorizes participants to bring their alcoholic beverages to an event for which a reunion permit to serve has been issued.

Lastly, the draft Regulation removes the requirement for members of a non-profit organization to actively engage in the sport covered by the sporting event when applying for a reunion permit to serve and corrects a clerical error.

To date, study of the matter shows no negative impact on the public or on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Gilles Paquet, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, Québec (Québec) G1K 3J3; telephone: 418 646-2307; fax: 418 646-5204; e-mail: gilles.paquet@racj.gouv.qc.ca

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to François Côté, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, Québec (Québec) G1K 3J3.

DENIS RACICOT,
*Chair, Régie des alcools,
des courses et des jeux*

Regulation to amend the Regulation respecting liquor permits*

An Act respecting liquor permits
(R.S.Q., c. P-9.1, s. 114, pars. 2 and 16)

1. The Regulation respecting liquor permits is amended by replacing sections 12 and 13 by the following:

“**12.** A reunion permit to sell or serve alcoholic beverages may be issued to a person only for a social, cultural, educational or sporting event if the person meets the requirements of this Division.

A natural person who meets the requirements may also obtain such a permit for a family event.

For the purposes of the first paragraph, an event may consist of two or more activities that take place during the period determined by the board under section 33 of the Act.

13. A reunion permit may be issued even if the proposed use of the permit were to constitute an operation for which another permit could be issued, provided that the operation does not constitute the main activity of the person applying for the permit.

* The Regulation respecting liquor permits (1983, *G.O.* 2, 3166) was last amended by the regulation approved by Order in Council 1118-92 dated 29 July 1992 (1992, *G.O.* 2, 4159). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

In such a case, the board shall take into account the nature and use of the place of the proposed operation, the nature and frequency of the activities planned and the persons who are to participate therein.”.

2. Section 14 of the French text is amended by replacing “à titre gratuit” in the first paragraph by “gratuitement”.

3. Section 15 is amended by replacing “the reunion” by “the event”.

4. Section 15.1 is amended by inserting “without charge” after “serve”.

5. Section 16 is amended by replacing “53” by “55”.

6. Sections 17 and 18 are revoked.

7. Section 20 is amended

(1) by replacing the part preceding paragraph 1 by the following:

“**20.** Subject to sections 12 to 19, a reunion permit to sell may be issued to a natural person if the natural person meets the following conditions:”;

(2) by replacing “financial gain” in paragraph 3 by “profit”;

(3) by replacing paragraph 4 by the following:

“(4) he sends an application to the board at least 15 days before the date of the event for which the permit is applied for or, if the event consists of two or more activities, at least 15 days before the date of the first activity.”.

8. Section 21 is replaced by the following:

“**21.** Subject to sections 12 to 19, a reunion permit to sell may be issued to a legal person if the legal person meets the following conditions:

(1) it is a non-profit legal person under its constituent Act and its income may not be used directly or indirectly for the benefit of its members;

(2) the profits from the event for which the permit is applied for, including any entry fees or admission charges, must be used only to achieve the purposes of the legal person or to achieve the purposes of another non-profit legal person;

(3) it sends its application to the board at least 15 days before the date of the event for which the permit is applied for or, if the event consists of two or more activities, at least 15 days before the date of the first activity.

If the profits from the event must be used to achieve the purposes of another non-profit legal person, that legal person must have an establishment in Québec and the applicant must attach to the application a copy of the agreement entered into with that legal person attesting that the profits will be paid to it.”.

9. Section 22 is amended by replacing “the reunion” by “the event”.

10. Sections 23 and 25 are revoked.

11. Section 26 is replaced by the following:

“**26.** A reunion permit to serve authorizes its holder to allow the consumption of alcoholic beverages brought by participants to the event or to serve alcoholic beverages without charge if the event takes place outside the holder’s residence or establishment.”.

12. Section 27 is replaced by the following:

“**27.** Subject to sections 12 to 19, a reunion permit to serve may be issued to a natural person or a legal person if the person meets the following conditions:

(1) in the case of a sporting event, the permit may be applied for only for sporting competitions during which there is no form of betting and no purses are awarded;

(2) the person must not charge an entry fee or admission charge for the event;

(3) the person must not make any profit from the event;

(4) the person sends an application to the board at least 15 days before the date of the event for which the permit is applied for or, if the event consists of two or more activities, at least 15 days before the date of the first activity.”.

13. Section 29 is revoked.

14. Section 30 is amended

(1) by replacing paragraph 1 by the following :

“(1) it must be a non-profit legal person under its constituent Act;”;

(2) by replacing “corporation” in paragraph 3 by “legal person”.

15. The Regulation is amended by replacing “corporation” wherever it appears in sections 3 and 4 by “legal person” and “deed of incorporation” in section 3 by “certificate of constitution”.

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

Treasury Board

Gouvernement du Québec

T.B. 203919, 19 June 2006

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendment to Schedule I

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Amendment to Schedule II

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988, determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1 of the Act;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies, to the extent provided for in Chapter I of that Act, to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedule II to that Act, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 1 to 6 of that provision;

WHEREAS the Minister of Finance has been consulted;

WHEREAS the Syndicat des professionnelles et professionnels de commissions scolaires de l'ouest de Montréal meets the requirements provided for in the Regulation under the Act respecting the Government and Public Employees Retirement Plan in order to be designated in Schedule I to the Act respecting the Government and Public Employees Retirement Plan and in Schedule II to the Act respecting the Pension Plan of Management Personnel;

THE CONSEIL DU TRÉSOR DECIDES :

THAT the Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this decision, are hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan * and to Schedule II to the Act respecting the Pension Plan of Management Personnel **

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following in paragraph 1 in alphabetical order: “the Syndicat des professionnelles et professionnels de commissions scolaires de l’ouest de Montréal”.

2. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended by inserting the following in paragraph 1 in alphabetical order: “the Syndicat des professionnelles et professionnels de commissions scolaires de l’ouest de Montréal”.

3. The amendments in sections 1 and 2 have effect 12 months before the date on which this decision is made.

7688

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended since the last updating of the Revised Statutes of Québec to 1 March 2005 by T.B. 203155 dated 13 December 2005 (2006, *G.O.* 2, 243), T.B. 203156 dated 13 December 2005 (2006, *G.O.* 2, 244), T.B. 203185 dated 19 December 2005 (2006, *G.O.* 2, 326) and by section 57 of chapter 32 of the Statutes of 2004.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has been amended since the last updating of the Revised Statutes of Québec to 1 March 2005 by T.B. 203155 dated 13 December 2005 (2006, *G.O.* 2, 243), T.B. 203156 dated 13 December 2005 (2006, *G.O.* 2, 244), T.B. 203185 dated 19 December 2005 (2006, *G.O.* 2, 326) and by section 58 of chapter 32 of the Statutes of 2004.

Parliamentary Committees

Committee on Culture

General consultation

Towards a government policy to fight against racism and discrimination

The Committee on Culture has been instructed to hold public hearings beginning on 12 September 2006 in pursuance of a general consultation on the document entitled *Vers une politique gouvernementale de lutte contre le racisme et la discrimination*.

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief. The consultation document may be obtained by contacting the Clerk or by consulting the Internet site of the Committee at the following address: www.assnat.qc.ca

Briefs must be received by the committees secretariat not later than 25 August 2006. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 20 copies. You may also add an electronic version of your brief by e-mailing it to the Clerk of the Committee. However, this does not exempt you from producing a written version. Please note that unless otherwise decided by the Committee, your brief will be made public, as well as all personal information contained therein, and will be placed on the Internet site of the Committee.

Briefs, correspondence, and requests for information should be addressed to: Mr. Martin Cardinal, Clerk of the Committee on Culture, édifice Pamphile-Le May, 1035, rue des Parlementaires, 3^e étage, Québec (Québec) G1A 1A3.

Telephone: 418 643-2722; Facsimile: 418 643-0248;
e-mail: cc@assnat.qc.ca

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

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