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## **Laws and Regulations**

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### **Summary**

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## Coming into force of Acts

Gouvernement du Québec

### **O.C. 953-2008**, 8 October 2008

#### **An Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41)**

##### **— Coming into force**

COMING INTO FORCE of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances

WHEREAS the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41) was assented to on 21 December 2007;

WHEREAS section 7 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the dates of coming into force of the provisions of the Act;

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

THAT 8 October 2008 be set as the date of coming into force of section 1, section 2, to the extent that it enacts sections 77.3 to 77.7, and sections 5 and 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41);

THAT 15 December 2008 be set as the date of coming into force of section 2, to the extent that it enacts sections 77.1 and 77.2, and sections 3 and 4 of the Act.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 954-2008**, 8 October 2008

#### **An Act to amend the Financial Administration Act (2008 c. 12)**

##### **— Coming into force of the Act**

COMING INTO FORCE of the Act to amend the Financial Administration Act

WHEREAS the Act to amend the Financial Administration Act (2008, c. 12) was assented to on 5 June 2008;

WHEREAS section 3 of the Act provides that the Act comes into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the date of coming into force of the Act;

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

THAT 8 October 2008 be set as the date of coming into force of the Act to amend the Financial Administration Act (2008, c. 12).

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### O.C. 955-2008, 8 October 2008

Financial Administration Act  
(R.S.Q., c. A-6.001)

#### Borrowings made by a body

Regulation respecting borrowings made by a body

WHEREAS the fourth paragraph of section 77.1 of the Financial Administration Act (R.S.Q., c. A-6.001), introduced by section 2 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empowers the Government to determine by regulation in which cases and subject to which terms and conditions the authorization of the Minister of Finance is not required when a body makes a borrowing;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under section 77.1 of the Financial Administration Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting borrowings made by a body;

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

THAT the Regulation respecting borrowings made by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

#### Regulation respecting borrowings made by a body

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 77.1, 4th par.; 2007, c. 41, s. 2)

**1.** In this Regulation, “short-term borrowing” means a borrowing whose maturity date is less than 365 days.

**2.** The authorization of the Minister of Finance referred to in the first paragraph of section 77.1 of the Financial Administration Act (R.S.Q., c. A-6.001) is not required in respect of the following borrowings of a body:

(1) a borrowing negotiated by the Minister of Finance under a mandate assigned by the body;

(2) a borrowing made with the Minister of Finance, as manager of the financing fund, or with Financement-Québec;

(3) a short-term borrowing or a borrowing by line of credit that meets the following conditions:

(a) the borrowing is made with one of the following lenders:

i. a financial institution authorized to carry on its activities under the laws applicable in Québec or Canada;

ii. the Caisse de dépôt et placement du Québec;

iii. a pension fund of a body referred to in section 77 of the Financial Administration Act;

iv. the Corporation d’hébergement du Québec;

(b) the interest rate of the borrowing does not exceed the rate of Canadian bankers’ acceptances on the CDOR page of the Reuters system on the date of the borrowing, increased by 0.3%, including all fees;

(4) a bank overdraft or any other credit facility that may be used to finance a bank overdraft and granted to a body by its financial institution, with a maximum term of 5 working days and whose applicable interest rate does not exceed the prime rate of the lending financial institution.

**3.** The authorization of the Minister of Finance is not required for a borrowing of less than \$20,000,000 contracted by a university establishment for the carrying out of a capital project that is not subsidized under the University Investments Act (R.S.Q., c. I-17).

No university establishment may split or segment its procurement requirements or change a borrowing or capital project to be exempted from the obligation to obtain the authorizations provided for in the Act.

If a borrowing groups together more than one capital project for an amount equal to or greater than \$20,000,000, the establishment must obtain the authorization of the Minister of Finance.

**4.** The authorization of the Minister of Finance is not required for a borrowing contracted by an institution referred to in the first paragraph of section 296 of the Act respecting health services and social services (R.S.Q., c. S-4.2) for the payment of capital costs charged to the institution's operating fund, where the amount corresponds to the lesser of \$5,000,000 or 5% of the operating expenditures of the most recently completed fiscal year of the institution.

No institution may split or segment its procurement requirements or change a borrowing or capital project for the purpose of avoiding the application of this section.

**5.** This Regulation comes into force on 15 December 2008.

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Gouvernement du Québec

## **O.C. 956-2008, 8 October 2008**

Financial Administration Act  
(R.S.Q., c. A-6.001)

### **Investments made by a body**

Regulation respecting investments made by a body

WHEREAS the second and third paragraphs of section 77.2 of the Financial Administration Act (R.S.Q., c. A-6.001), introduced by section 2 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empower the Government to determine by regulation in which cases and subject to which terms and conditions the authorization of the Minister responsible for the administration of the Act governing a body and the authorization of the Minister of Finance are not required for such a body to make an investment;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under section 77.2 of the Financial Administration Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting investments made by a body;

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

THAT the Regulation respecting investments made by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation respecting investments made by a body**

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 77.2, 2nd and 3rd pars.;  
2007, c. 41, s. 2)

**1.** This Regulation applies to short-term investments, except securities lending, made by a body out of its temporary surplus of liquid assets or its operating fund.

In this Regulation, "short-term" means a maturity date of less than 365 days.

**2.** The authorization of the Minister of Finance and the authorization of the Minister responsible for the administration of the Act governing the body referred to in the first paragraph of section 77.2 of the Financial Administration Act (R.S.Q., c. A-6.001) are not required in the case of the following investments made by a body:

(1) a deposit of money or demand loan with a financial institution authorized to carry on its activities under a law applicable in Québec or Canada;

(2) an investment made by the Minister of Finance under a mandate assigned by the body;

(3) any other investment, including a deposit with the Caisse de dépôt et placement du Québec, which meets the following conditions:

(a) it is made with a financial institution authorized to carry on its activities under a law applicable in Québec or Canada, with the Caisse de dépôt et placement du Québec or through dealers registered with the Autorité des marchés financiers or any other Canadian authority in securities;

(b) it is made through the purchase of one of the following:

i. a Treasury bond or a short-term note issued or guaranteed by the Gouvernement du Québec, the Government of Canada or the government of another province or Canadian territory;

ii. a short-term note issued or guaranteed by a municipality or municipal body situated in Québec or by a body within the meaning of section 77 of the Financial Administration Act;

iii. a bond or coupon issued or guaranteed by the Gouvernement du Québec, the Government of Canada or the government of another province or Canadian territory and whose residual maturity is less than 365 days;

iv. a bond or coupon issued or guaranteed by a municipality or municipal body situated in Québec or by a body within the meaning of section 77 of the Financial Administration Act and whose residual maturity is less than 365 days; or

v. a certificate, note or other security or short-term paper issued or guaranteed by a bank listed in Schedules I, II and III to the Bank Act (Statutes of Canada, 1991, chapter 46), by the Caisse de dépôt et placement du Québec or by a financial services cooperative.

**3.** The authorization of the Minister of Finance and the authorization of the Minister responsible for the administration of the Act governing the body are not required in respect of a special fund or an endowment fund created and administered, in accordance with section 269 of the Act respecting health services and social services (R.S.Q., c. S-4.2), by an institution that makes the investments referred to in section 2.

The term of the investment may not exceed the term provided for the use of the funds, if any.

**4.** This Regulation comes into force on 15 December 2008.

8989

Gouvernement du Québec

**O.C. 957-2008**, 8 October 2008

Financial Administration Act  
(R.S.Q., c. A-6.001)

### **Certain funds of university establishments**

Regulation respecting certain funds of university establishments

WHEREAS the third paragraph of section 77.2 of the Financial Administration Act (R.S.Q., c. A-6.001), introduced by section 2 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empowers the Government

to determine by regulation the cases in which and the terms and conditions subject to which the authorization of the Minister of Finance is not required when a body makes an investment;

WHEREAS the second and third paragraphs of section 79 of the Financial Administration Act, respectively replaced and introduced by section 3 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances, empower the Government to determine by regulation the cases in which and the terms and conditions subject to which the authorization of the Minister of Finance is not required in respect of the conclusion of currency exchange or interest rate exchange agreements by a body;

WHEREAS the second and third paragraphs of section 80 of the Financial Administration Act, respectively replaced and introduced by section 4 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances, empower the Government to determine by regulation the cases in which and the terms and conditions subject to which the authorization of the Minister of Finance is not required in respect of the conclusion by a body of financial instruments or contracts determined by the Government;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under section 77.2 and the provisions of sections 79 and 80 of the Financial Administration Act, enacted by sections 3 and 4 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting certain funds of university establishments;

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

THAT the Regulation respecting certain funds of university establishments, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Regulation respecting certain funds of university establishments

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 77.2, 3rd par., s. 79, 2nd and 3rd pars. and s. 80, 2nd and 3rd pars.; 2007, c. 41, ss. 2, 3 and 4)

**1.** In this Regulation, “fund” means an endowment fund or a subscription fund in which contributions received as donations and their yield and return are accumulated exclusively.

**2.** The authorization of the Minister of Finance and that of the Minister responsible for the administration of the Act governing the body, provided for in the first paragraph of section 77.2 of the Financial Administration Act (R.S.Q., c. A-6.001), are not required by a university establishment that, in the context of the management of a fund, makes investments, if

(1) an investment policy applicable to the fund is adopted by the university establishment and the fund is managed pursuant to the policy;

(2) the management of the endowment fund is entrusted to

(a) an employee of the university establishment;

(b) an adviser within the meaning of the Securities Act (R.S.Q., c. V-1.1);

(c) a natural person residing outside Québec and whose management activities are authorized by the supervisory and regulatory authorities pursuant to the laws applicable to the natural person; or

(d) a legal person or a joint-stock company or partnership constituted outside Québec whose management activities are authorized by the supervisory and regulatory authorities pursuant to the laws applicable to the legal person or the company or partnership.

(3) no debit balance is created; management fees incurred and capital losses do not exceed the capital entrusted to management; and

(4) no borrowing is made for management purposes.

**3.** The authorization of the Minister of Finance provided for in the first paragraphs of sections 79 and 80 of the Financial Administration Act is not required in respect of currency exchange or interest rate exchange agreements, and the financial instruments or contracts

when the transaction is concluded by a university establishment in the context of the management of a fund for the sole purpose of reducing financial risks and the conditions set out in section 2 are met.

**4.** A university establishment is to file with the Minister of Finance its investment policy and any amendment made to it. It must also file annually a certificate of compliance with this Regulation and a report stating the amount outstanding at the end of the fiscal year and the rate of return obtained for that period.

**5.** This Regulation comes into force on 15 December 2008.

8990

Gouvernement du Québec

**O.C. 958-2008, 8 October 2008**

Financial Administration Act  
(R.S.Q., c. A-6.001)

### Financial instruments or contracts transacted by a body

Regulation respecting financial instruments or contracts transacted by a body

WHEREAS the second and third paragraphs of section 80 of the Financial Administration Act (R.S.Q., c. A-6.001), amended by section 4 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empower the Government to determine by regulation the cases in which and the conditions and terms subject to which the authorization of the Minister of Finance is not required for the conclusion by a body of financial instruments or contracts determined by the Government;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under the provisions of section 80 of the Financial Administration Act, enacted by section 4 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting financial instruments or contracts transacted by a body;

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

THAT the Regulation respecting financial instruments or contracts transacted by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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### **Regulation respecting financial instruments or contracts transacted by a body**

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 80, 2nd and 3rd pars.; 2007, c. 41, s. 4)

**1.** The authorization of the Minister of Finance provided for in the first paragraph of section 80 of the Financial Administration Act (R.S.Q., c. A-6.001) is not required to acquire, hold or conclude a financial contract or instrument, or dispose of, invest in or terminate it, according to the terms of the contract or instrument where, under a mandate that a body entrusts to the Minister of Finance, the transaction is negotiated by the Minister of Finance or the transaction is effected between them.

**2.** This Regulation comes into force on 15 December 2008.

8991

Gouvernement du Québec

### **O.C. 959-2008, 8 October 2008**

Financial Administration Act  
(R.S.Q., c. A-6.001)

#### **Financial commitments made by a body**

Regulation respecting financial commitments made by a body

WHEREAS the first and third paragraphs of section 77.3 of the Financial Administration Act (R.S.Q., c. A-6.001), introduced by section 2 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empower the Government to determine by regulation the financial commitments for which a body must obtain the authorization of the Minister responsible for the administration of the Act governing the body and the authorization of the Minister of Finance

as for the nature, terms and conditions of the financial commitments, and in which cases and subject to which terms and conditions the authorization of the Minister of Finance is not required when a body makes financial commitments;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under section 77.3 of the Financial Administration Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting financial commitments made by a body;

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

THAT the Regulation respecting financial commitments made by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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### **Regulation respecting financial commitments made by a body**

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 77.3, 1st and 3rd pars.; 2007, c. 41, s. 2)

**1.** No body may, in one of the contracts listed below or incidental to the contracts, make a financial commitment whose term is greater than 365 days and whose total amount exceeds the lesser of \$5,000,000 or 5% of the operating expenditures of the most recently completed fiscal year of the body, unless the financial commitment is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance:

- (1) an act constituting emphyteusis;
- (2) a borrowing guarantee or a guarantee of any other financial commitment;
- (3) suretyship;
- (4) leasing;
- (5) a sale including a resolatory clause;
- (6) an instalment sale;

(7) a sale with a right of redemption;

(8) giving in payment;

(9) alienation for rent;

(10) an annuity;

(11) a lease whose term is more than 15 years, except leases entered into with the Société immobilière du Québec and the Corporation d'hébergement du Québec.

No body may split or segment its procurement requirements or change a financial commitment resulting from a contract referred to in the first paragraph to be exempted from the obligation to obtain the authorizations provided for in that paragraph.

**2.** The authorizations provided for in section 1 are not required in the following cases:

(1) the financial commitment is made by the body in connection with a public-private partnership agreement entered into between the body and the Agence des partenariats public-privé du Québec and approved by the Government;

(2) the financial commitment is made as part of an economic development project or to provide financial assistance, in accordance with the powers provided in the Act constituting the body concerned;

(3) the financial commitment is made under the second paragraph of section 30 of the Act respecting Héma-Québec and the haemovigilance committee (R.S.Q., c. H-1.1), and Héma-Québec has notified the Minister responsible for the administration of the Act and the Minister of Finance in writing.

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

8992

Gouvernement du Québec

**O.C. 960-2008, 8 October 2008**

Financial Administration Act  
(R.S.Q., c. A-6.001)

**Currency exchange or interest rate  
exchange agreements**

Regulation respecting currency exchange or interest rate exchange agreements concluded by a body

WHEREAS the second and third paragraphs of section 79 of the Financial Administration Act (R.S.Q., c. A-6.001), amended by section 3 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), empower the Government to determine in a regulation the cases in which and the terms and conditions subject to which the authorization of the Minister of Finance is not required by a body to conclude currency exchange or interest rate exchange agreements;

WHEREAS section 6 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances provides that the first regulation made under the provisions of section 79 of the Financial Administration Act, enacted by section 3 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances, is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting currency exchange or interest rate exchange agreements concluded by a body;

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

THAT the Regulation respecting currency exchange or interest rate exchange agreements concluded by a body, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation respecting currency exchange or interest rate exchange agreements concluded by a body

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 79, 2nd and 3rd pars.; 2007,  
c. 41, s. 3)

**1.** The authorization of the Minister of Finance provided for in the first paragraph of section 79 of the Public Administration Act (R.S.Q., c. A-6.001) is not required by a body to conclude, to acquire or to hold a currency exchange or interest rate exchange agreement, to invest in it, to dispose of it or to terminate it according to its terms, where the transaction is negotiated by the Minister of Finance or is concluded between the Minister and the body under a mandate entrusted to the Minister by the body.

**2.** This Regulation comes into force on 15 December 2008.

8993

Gouvernement du Québec

**O.C. 967-2008**, 8 October 2008

Midwives Act  
(R.S.Q., c. S-0.1)

### Midwives

#### — Drugs that a midwife may prescribe or administer in the practice

Regulation respecting drugs that a midwife may prescribe or administer in the practice of midwifery

WHEREAS, under the first paragraph of section 9 of the Midwives Act (R.S.Q., c. S-0.1), the Office des professions du Québec, after consultation with the Conseil du médicament, the Ordre des sages-femmes du Québec, the Collège des médecins du Québec and the Ordre des pharmaciens du Québec, establishes, by regulation, a list of the drugs that may be prescribed or administered by a midwife pursuant to the first paragraph of section 8 of the Act and determines, if necessary, the conditions according to which the drugs may be prescribed or administered;

WHEREAS the Office carried out the required consultations;

WHEREAS the Office made the Regulation respecting drugs that a midwife may prescribe or administer in the practice of midwifery at its sitting of 13 March 2008;

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 9 April 2008 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 13 of the Professional Code (R.S.Q., c. C-26), the Office is to submit the Regulation to the Government which may approve it with or without amendment;

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 drugs that a midwife may prescribe or administer in the practice of midwifery, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation respecting drugs that a midwife may prescribe or administer in the practice of midwifery

Midwives Act  
(R.S.Q., c. S-0.1, s. 9)

**1.** The drugs that a midwife may prescribe or administer are

(1) the drugs for the mother listed in Schedule I, on the conditions, if applicable, determined in the Schedule; and

(2) the drugs for the child listed in Schedule II, on the conditions determined in the Schedule.

**2.** 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, par. 1)

**DRUGS THAT A MIDWIFE MAY PRESCRIBE OR ADMINISTER TO THE MOTHER**

<b>Substances</b>	<b>Specifications and conditions</b>
Acetaminophen	For use during the prenatal and postpartum period
Acetaminophen and codeine (in combination)	Pharmaceutical form containing 325 mg and less of acetaminophen and 30 mg and less of codeine per tablet Limited quantity for a 2-day period
Acetaminophen, caffeine and codeine (in combination)	Pharmaceutical form containing 300 mg and less of acetaminophen, 15 mg and less of caffeine and 8 mg and less of codeine per tablet Limited quantity for a 2-day period
Alginic acid	
Aluminum hydroxide and magnesium hydroxide	
Ampicillin	Pharmaceutical form for parenteral administration in prophylaxis during the prolonged rupture of membranes in asymptomatic women or in prophylaxis in respect of beta-hemolytic streptococcus
Betamethasone, clotrimazole and mupirocin (in combination)	Pharmaceutical form for topical administration in a concentration of 0.1% betamethasone, 10% clotrimazole and 2% mupirocin for the treatment of fungal infections on nipples of breastfeeding women
Betamethasone, miconazole and mupirocin (in combination)	Pharmaceutical form for topical administration in a concentration of 0.1% betamethasone, 2% miconazole and 2% mupirocin for the treatment of fungal infections on nipples of breastfeeding women
Calcium carbonate	
Calcium gluconate	Pharmaceutical form for parenteral administration in a concentration of 10% as antidote for magnesium sulphate while awaiting transfer of clinical responsibility to a physician
Carboprost tromethamine	Pharmaceutical form for parenteral administration in a concentration of 0.25 mg in prophylaxis or if hemorrhage during the immediate postpartum period and synthetic oxytocin is ineffective

<b>Substances</b>	<b>Specifications and conditions</b>
Clindamycin	Pharmaceutical form for parenteral administration in prophylaxis in respect of beta-hemolytic streptococcus, if allergy to penicillin G
Clotrimazole	Pharmaceutical forms for topical and vaginal administration in a concentration of 1%
Dextrose	Pharmaceutical form for parenteral infusion administration in a concentration of 5% Or Pharmaceutical form for oral administration for a glucose tolerance test
Dextrose and sodium chloride (in combination)	Pharmaceutical form for parenteral infusion administration in a concentration of 5% dextrose and 0.45% sodium chloride
Diazepam	Pharmaceutical form for rectal administration for the treatment of seizures, if magnesium sulphate is ineffective
Diphenhydramine hydrochloride	Pharmaceutical form for parenteral administration for the treatment of allergic reactions, with or without anaphylactic reaction, with no increased body temperature or systemic illness
Docusate calcium	Pharmaceutical form for oral administration during the prenatal and postpartum period
Docusate sodium	Pharmaceutical form for oral administration during the prenatal and postpartum period
Doxylamine succinate and pyridoxine hydrochloride (in combination)	Pharmaceutical form containing 10 mg of doxylamine succinate and 10 mg of pyridoxine hydrochloride per tablet
Epinephrine	Presented in the form of auto-injector or ampoule in a concentration of 1 mg/ml for the emergency treatment of anaphylactic reactions
Ergonovine maleate	Pharmaceutical form for parenteral administration in prophylaxis or if hemorrhage during the immediate postpartum period and synthetic oxytocin is ineffective
Erythromycin	Pharmaceutical form for parenteral administration in prophylaxis in respect of beta-hemolytic streptococcus, if allergy to penicillin G or resistance to clindamycin
Ferrous fumarate	Pharmaceutical form for oral administration, if intolerance to ferrous sulphate

<b>Substances</b>	<b>Specifications and conditions</b>
Ferrous gluconate	Pharmaceutical form for oral administration, if intolerance to ferrous sulphate or ferrous fumarate
Ferrous sulphate	Pharmaceutical form for oral administration
Folic acid	Pharmaceutical form for oral administration during the prenatal period
Glycerin	Pharmaceutical form for rectal administration
Hamamelis and glycerin (in combination)	Pharmaceutical form for topical administration in a concentration of 50% hamamelis
Human immunoglobulin	Pharmaceutical form for parenteral administration during the prenatal and postpartum period
Hydrocortisone and zinc sulphate (in combination)	Pharmaceutical form for rectal administration in a concentration of 0.5% hydrocortisone and 0.5% zinc sulphate
Ibuprofen	For use during the postpartum period
Lidocaine	Pharmaceutical form for topical administration in a concentration of 4% for action on vaginal mucus while repairing minor lacerations Or Pharmaceutical form for parenteral administration in a concentration of 1%
Lorazepam	Pharmaceutical forms for oral and sublingual administration for manual removal of the placenta, if hemorrhage
Magnesium sulphate	Pharmaceutical form for parenteral administration for the treatment of seizures
Miconazole	Pharmaceutical forms for topical and vaginal administration during the prenatal period in a concentration of 2%
Misoprostol	Pharmaceutical forms for oral or rectal administration if hemorrhage during the immediate postpartum period or synthetic oxytocin is ineffective or unavailable
MMR vaccine	Pharmaceutical form for parenteral administration during the postpartum period
Morphine	Pharmaceutical form for parenteral administration during the neonatal period in prolonged latency in primiparous women and during the postpartum period

<b>Substances</b>	<b>Specifications and conditions</b>
Multivitamins and minerals	
Nitroglycerin	Pharmaceutical form for sublingual spray administration if excessive uterine activity with a non-reassuring fetal heart rate or prolapsed cord
Penicillin G	Pharmaceutical form for parenteral administration in prophylaxis in respect of beta-hemolytic streptococcus
Psyllium (mucilage)	Pharmaceutical form for oral administration during the prenatal and postpartum period
Ringer's lactate	Pharmaceutical form for parenteral infusion administration for fluid replacement if substantial postpartum loss of blood or if hemorrhage
Sodium chloride	Pharmaceutical form for parenteral infusion administration in a concentration of 0.9% for fluid replacement if substantial postpartum loss of blood, if hemorrhage or for dilution
Sodium citrate/sodium lauryl sulfate	Pharmaceutical form for rectal administration
Synthetic oxytocin	Pharmaceutical form for parenteral administration in prophylaxis or if hemorrhage during the immediate postpartum period
Terconazole	Pharmaceutical forms for topical and vaginal administration during the prenatal period in a concentration of 0.4%, if clotrimazole and miconazole are ineffective
Vitamin B6	Pharmaceutical form for oral administration for the treatment of nausea during the prenatal period
Vitamin B12	For use during the prenatal period
Vitamin D and calcium (in combination)	Pharmaceutical form for oral administration in prophylaxis

**SCHEDULE II**

(s. 1, par .2)

**DRUGS THAT A MIDWIFE MAY PRESCRIBE OR ADMINISTER TO THE CHILD**

<b>Substances</b>	<b>Specifications and conditions</b>
Ampicillin	Pharmaceutical form for parenteral administration in newborns having an emergency condition and after a medical consultation
Epinephrine	Pharmaceutical forms for parenteral and endotracheal administration in a concentration of 0.1 mg/ml during neonatal resuscitation
Erythromycin	Pharmaceutical form for ophthalmic administration in a concentration of 0.5% in prophylaxis in newborns
Gentamicin	Pharmaceutical form for parenteral administration in newborns having an emergency condition and after a medical consultation
Gentian violet	Pharmaceutical form for topical administration, in a water solution, in a concentration of 1% or less
Hepatitis B immune globulin	Pharmaceutical form for parenteral administration
Hepatitis B vaccine	Pharmaceutical form for parenteral administration
Naloxone hydrochloride	Pharmaceutical form for parenteral administration in a concentration of 0.4 mg/ml in newborns having an emergency condition
Nystatin	Pharmaceutical form for oral administration, presented in the form of a suspension for the treatment of non-recurrent, non-resistant oral mycosis
Penicillin G	Pharmaceutical form for parenteral administration in newborns having an emergency condition and after a medical consultation
Sodium chloride	Pharmaceutical form for parenteral infusion administration in a concentration of 0.9% in newborns having an emergency condition or for dilution
Vitamin D	Pharmaceutical form for oral administration in breastfed infants
Vitamin K1	Pharmaceutical form for parenteral and oral administration

Gouvernement du Québec

**O.C. 968-2008**, 8 October 2008

Midwives Act  
(R.S.Q., c. S-0.1, s. 9)

**Midwives**

**— Examinations and analyses that a midwife may prescribe, conduct or interpret in the practice of midwifery**

Regulation respecting the examinations and analyses that a midwife may prescribe, conduct or interpret in the practice of midwifery

WHEREAS, under the second paragraph of section 9 of the Midwives Act (R.S.Q., c. S-0.1), the Office des professions du Québec, after consultation with the Ordre des sages-femmes du Québec and the Collège des médecins du Québec, establishes, by regulation, a list of the examinations and analyses that may be prescribed, conducted or interpreted by a midwife pursuant to the second paragraph of section 8 and determines, if necessary, the conditions according to which the examinations and analyses may be prescribed, conducted or interpreted;

WHEREAS the Office carried out the required consultations;

WHEREAS the Office made the Regulation respecting the examinations and analyses that a midwife may prescribe, conduct or interpret in the practice of midwifery at its sitting of 13 March 2008;

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 9 April 2008 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 13 of the Professional Code (R.S.Q., c. C-26), the Office is to submit the Regulation to the Government which may approve it with or without amendment;

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 examinations and analyses that a midwife may prescribe, conduct or interpret in the practice of midwifery, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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**Regulation respecting the examinations and analyses that a midwife may prescribe, conduct or interpret in the practice of midwifery**

Midwives Act  
(R.S.Q., c. S-0.1, s. 9)

**1.** The examinations and analyses that a midwife may prescribe, conduct or interpret are

(1) the examinations and analyses for the mother listed in Schedule I, on the conditions, if applicable, determined in the Schedule;

(2) the examinations and analyses for the child listed in Schedule II; and

(3) the examinations and analyses for the father listed in Schedule III, on the conditions determined in the Schedule.

For the purposes of this Regulation, a midwife may not conduct examinations and analyses in a laboratory.

**2.** 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, 1st par., subpar. 1)

**EXAMINATIONS AND ANALYSES CONCERNING THE MOTHER**

	<b>Prescribe</b>	<b>Conduct</b>	<b>Interpret</b>	<b>Conditions</b>
24-hour proteinuria	X	X	X	After 20 weeks of pregnancy
Amniocentesis	X			
Anatomopathology of placenta, membranes and cord	X			
Bacteriological cultures of body fluids and bacterial sensitivity test to antibiotics	X	X	X	
Biophysical profile	X			
Blood and urine toxicology screening	X	X	X	
Blood group and rhesus	X	X	X	
Complete blood count	X	X	X	
Detection of foetal cells (Kleihauer)	X	X	X	For Rh-negative mothers undergoing surgery or suffering a trauma increasing the risk of foeto-maternal transfusion where no immunoglobulin prophylaxy has been received
Ferritin	X	X	X	
Foetal monitoring	X	X	X	
Folic acid	X	X	X	
Glucose tolerance test	X	X	X	
Glycemia	X	X	X	
Hemoglobin electrophoresis	X	X		For mothers at risk of hemoglobinopathy
Hepatic profile (LDH, ALT, AST, GGT, conjugated and unconjugated bilirubin)	X	X	X	
Immune antibodies search	X	X	X	
Indirect antiglobulin test	X	X	X	
Non-stress test	X	X	X	

	<b>Prescribe</b>	<b>Conduct</b>	<b>Interpret</b>	<b>Conditions</b>
Obstetric ultrasound	X			
Papanicolaou's stain test (endocervix, ectocervix and vagina cytology)	X	X		
Pregnancy test (Beta-HCG blood)	X	X	X	
Pregnancy test (urine HCG)	X	X	X	
Renal functions studies (BUN, creatinine, protein, albumin, uric acid, urea)	X	X	X	
Serological examinations	X	X	X	
Serum iron + complement fixation (TIBC)	X	X	X	
Serum markers	X	X		
STI screening	X	X	X	
TSH level	X	X	X	
Urinalysis (physical and microscopic)	X	X	X	
Vitamin B12 level	X	X	X	

## **SCHEDULE II**

(s. 1, 1st par., subpar. 2)

### **EXAMINATIONS AND ANALYSES CONCERNING THE CHILD**

	<b>Prescribe</b>	<b>Conduct</b>	<b>Interpret</b>
Bacteriological cultures of body fluids and bacterial sensitivity test to antibiotics	X	X	X
Blood and urine toxicology screening	X	X	X
Blood group and rhesus	X	X	X
Complete blood count	X	X	X
Conjugated and unconjugated bilirubin	X	X	X
Direct antiglobulin test (DAT)	X	X	X
Genetic disease (PKU) screening	X	X	
Glycemia	X	X	X
Non-invasive monitoring using pulse oximeter	X	X	X

**SCHEDULE III**

(s. 1, 1st par., subpar. 3)

**EXAMINATIONS AND ANALYSES CONCERNING THE FATHER**

	<b>Prescribe</b>	<b>Conduct</b>	<b>Interpret</b>	<b>Conditions</b>
Blood group and rhesus	X	X	X	Test reserved for the biological father of the foetus of a Rh-negative mother
Hemoglobin electrophoresis	X	X		Test reserved for the biological father of the foetus of a mother carrier of sickle cell trait or other hemoglobinopathy to evaluate foetal risk

8995

Gouvernement du Québec

**O.C. 969-2008**, 8 October 2008Professional Code  
(R.S.Q., c. C-26)**Infirmières et infirmiers  
— Diploma or training equivalence for the issue  
of a permit by the Ordre**

Regulation respecting diploma or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting diploma or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec;

WHEREAS, pursuant to section 95 of the Professional 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 2 April 2008 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 has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendment;

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

THAT the Regulation respecting diploma or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **Regulation respecting diploma or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec**

Professional Code  
(R.S.Q. c. C-26, s. 93, par. c and c. 1)

### **DIVISION I DEFINITIONS**

#### **1.** In this regulation:

“diploma meeting permit requirements” means a diploma recognized, by regulation of the Government made under the first paragraph of section 184 of the Professional Code, as meeting the requirements for the permit issued by the Order (R.S.Q., c. C-26);

“diploma equivalence” means the recognition that a diploma issued by an educational establishment outside Québec certifies that the holder’s level of knowledge and skills is equivalent to the level attained by the holder of a diploma meeting permit requirements;

“training equivalence” means the recognition that a person’s training has enabled her to attain a level of knowledge and skills equivalent to that attained by the holder of a diploma meeting permit requirements.

### **DIVISION II DIPLOMA EQUIVALENCE STANDARDS**

**2.** A person holding a diploma conferred by an educational establishment outside Québec may be granted diploma equivalence if her diploma was obtained upon completion of a nursing program at least equivalent to the Québec college-level program meeting the following conditions:

1° it comprises a minimum of 2805 hours, including at least 2145 hours of specific training in nursing, as follows:

(a) a minimum of 615 hours in medical and surgical nursing;

(b) a minimum of 120 hours in mental health and psychiatric nursing;

(c) a minimum of 105 hours in adult and geriatric nursing;

(d) a minimum of 75 hours in perinatal nursing;

(e) a minimum of 90 hours in child and adolescent nursing;

(f) a minimum of 480 hours in biological science, including a total of at least 135 hours in microbiology, immunology and pharmacology;

(g) a minimum of 180 hours in social science.

2° at least 1035 of the 2145 hours of specific training must be devoted to clinical experience;

3° at least 240 of the 1035 hours of clinical experience must involve the consolidation of knowledge related to the legislative, ethical, organizational and sociocultural aspects of nursing practice in Québec.

**3.** Section 2 notwithstanding, when the diploma being examined for equivalence was obtained more than four (4) years prior to the date of application for equivalence, and, given new developments in the profession, the knowledge it attests to no longer corresponds to the knowledge that, at the time of the application, was included in a program of study meeting permit requirements, the person is granted equivalence pursuant to sections 4 and 5, provided she has acquired, since obtaining her diploma, the required level of knowledge and skills.

### **DIVISION III TRAINING EQUIVALENCE STANDARDS**

**4.** A person is granted training equivalence if she demonstrates that she possesses the knowledge and skills equivalent to those that may be acquired by the holder of a diploma meeting permit requirements.

**5.** In assessing training that is cited in support of an equivalence application, the following factors shall be considered:

(1) total years of education;

(2) the fact that the person holds one or more diplomas obtained in Québec or elsewhere;

(3) type of courses taken and course content;

(4) training periods served, and other ongoing or refresher training activities; and

(5) type, total length and period of time during which clinical experience was acquired.

#### **DIVISION IV PROCEDURE FOR GRANTING EQUIVALENCE**

**6.** Persons who, for the purpose of obtaining a permit from the Order, wish to be granted diploma or training equivalence, shall apply therefor in writing, pay the processing fee prescribed by the Bureau of the Order, under paragraph 8 of section 86.0.1 of the Professional Code and provide:

1° a certified true copy of all diplomas they hold;

2° their school records, including their official transcript bearing the seal of the educational institution in question or a certified true copy thereof, a document detailing course content and training periods served, and the number of hours related to each of these;

3° a certified true copy of their birth certificate or, failing that, a photocopy of their passport;

4° as applicable, an official attestation that they are in good standing with the regulatory body of the territory within which they are authorized to practice;

5° official attestation and a description of their clinical experience in nursing, as the case may be;

6° any information or document pertaining to the factors that may be taken into consideration for purposes of section 5.

**7.** Documents or information submitted in support of an application for equivalence written in a language other than French or English must be accompanied by an official translation into French or English produced by a certified translator, or, if the translation was not produced in Québec, then by a translator recognized by the authorities in his or her province or country.

**8.** Applications for equivalence shall be sent to the Order registrar who will examine them and submit a recommendation to the Admission by Equivalence Committee.

For purposes of submitting a recommendation to the Admission by Equivalence Committee, the registrar may ask applicants to submit to an interview, serve a training period, write an examination or some combination thereof.

**9.** The Admission by Equivalence Committee may render either of the following decisions:

1° grant diploma or training equivalence;

2° deny diploma or training equivalence.

Within 15 days following its decision to grant or deny equivalence, the Admission by Equivalence Committee shall inform the person concerned, in writing.

If the committee denies equivalence, it must, at the same time, inform the person concerned in writing about study programs or additional training whose successful completion within the required deadline would enable training equivalence to be granted.

The Admission by Equivalence Committee formed by the Bureau, under paragraph 2° of section 86.0.1 of the Professional Code, shall be comprised of persons who are not members of the Bureau.

**10.** Persons informed of the Admission by Equivalence Committee's decision to deny equivalence may appeal such decision, provided that they submit a request, in writing, to the secretary of the Order within 30 days following receipt of the decision.

The Bureau of the Order must examine such request at its first regular meeting following the date on which it was received. Before rendering a decision, it must allow the person in question to state her case at this meeting.

For this purpose, the secretary of the Order shall send the person written notice, via registered mail, specifying the date, place and time of the meeting at which the request for appeal shall be examined, no less than 15 days before such meeting will be held.

Persons wishing to attend the meeting in order to state their case must so notify the secretary of the Order at least 5 days before the scheduled meeting date. They may, however, submit their comments to the secretary in writing at any time before the scheduled meeting date.

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

#### **DIVISION V** **FINAL AND TRANSITORY PROVISIONS**

**11.** This regulation replaces the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec approved by Order-in-Council Number 847-97 of June 25, 1997.

**12.** Recommendations submitted to the Bureau, under section 8 of the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec approved by Order-in-Council Number 847-97 of June 25, 1997, and concerning which the Bureau has not rendered a decision by November 6, 2008 shall be submitted to the committee as set out in section 8 of this regulation, so that it may render a decision in accordance with section 9 of this regulation. For this purpose, the Bureau shall replace any member of this committee who had participated in issuing such recommendations with a member of the Order who is not a member Bureau.

**13.** Decisions rendered under section 9 of the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec approved by Order-in-Council Number 847-97 of June 25, 1997 whose deadlines for appeal as set out in section 10 have not expired by November 6, 2008 may be reviewed by the committee as set out in section 8 of this regulation. For this purpose, the Bureau shall replace any member of this committee who had participated in rendering such decisions under appeal with a member of the Order who is not a member of the Bureau.

Requests for appeal must be forwarded to the secretary of the Order within the deadline set out in section 10 of the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec approved by Order-in-Council Number 847-97 of June 25, 1997.

Before rendering a decision, the committee must allow the person in question to state her case. The third and fourth paragraphs of section 10 apply in this case.

The decision of the committee is final and must be sent to the person in question by registered mail within 30 days following the date on which it is rendered.

**14.** Appeals regarding which the Bureau has not rendered a decision by November 6, 2008 shall be submitted to the committee specified in section 8 of this regulation for review. For this purpose, the Bureau shall replace any member of the committee with a member of the Order who is not a member of the Bureau.

The third and fourth paragraphs of section 13 apply in this case.

**15.** Persons who have been granted partial training equivalence by the Bureau, under section 9 or 10 of the Regulation respecting the standards for a diploma equivalence or training equivalence for the issue of a permit by the Ordre des infirmières et infirmiers du Québec approved by Order-in-Council Number 847-97 of June 25, 1997, and who have been informed of the program of study or additional training they must successfully complete before being granted training equivalence shall be given two years following the date this regulation comes into force to complete said program of study or additional training.

**16.** This regulation shall come into force on the fifteenth day following publication in the *Gazette officielle du Québec*.

8996

Gouvernement du Québec

**O.C. 970-2008, 8 October 2008**

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

**Hygiénistes dentaires**  
— Code of Ethics  
— Amendments

Regulation amending the Code of Ethics of members of the Ordre des hygiénistes dentaires du Québec

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the Bureau of the Ordre des hygiénistes dentaires du Québec made the Regulation amending the Code of Ethics of members of the Ordre des hygiénistes dentaires du Québec;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, pursuant to section 95 of the Professional 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 23 April 2008 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 has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation amending the Code of Ethics of members of the Ordre des hygiénistes dentaires du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation amending the Code of ethics of members of the Ordre des hygiénistes dentaires du Québec \*

Professional Code  
(R.S.Q., c. C-26, a.87)

**1.** The Code of ethics of members of the Ordre des hygiénistes dentaires du Québec is modified by striking out the following “SECTION V GRAPHIC SYMBOL OF THE ORDER”.

**2.** Section 63 of this regulation is replaced by the following:

“**63.** The dental hygienist reproducing the graphic symbol of the Order in advertisements shall ensure that the symbol complies with the one adopted by a resolution of the Bureau.”.

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

8997

Gouvernement du Québec

**O.C. 972-2008, 8 October 2008**

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

### Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Environment Quality Act

WHEREAS subparagraph *f* of the first paragraph of section 31 of the Environment Quality Act (R.S.Q., c. Q-2) empowers the Government to make regulations on the matters set forth therein;

WHEREAS the Government made, by Order in Council 1529-93 dated 3 November 1993 and its later amendments, the Regulation respecting the application of the Environment Quality Act;

\* The Code of Ethics of Members of the Ordre des hygiénistes dentaires du Québec, approved by Order in Council 686-97 dated 21 May 1997 (1997, *G.O.* 2, 2260), was last amended by the regulation approved by Order in Council 718-2006 dated 8 August 2006 (2006, *G.O.* 2, 2942). For previous amendments, refer to *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

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 to amend the Regulation respecting the application of the Environment Quality Act was published in Part 2 of the *Gazette officielle du Québec* of 27 February 2008, with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation to amend the Regulation respecting the application of the Environment Quality Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting the application of the Environment Quality Act\***

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, 1st par., subpar. f)

**1.** The Regulation respecting the application of the Environment Quality Act is amended in section 1 by adding the following paragraph:

“(6) construction, work or activities to be carried out in aquatic reserves, biodiversity reserves or ecological reserves, or on land set aside for reserve purposes, if an authorization has been issued by the Minister under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01).”.

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

8998

Gouvernement du Québec

## **O.C. 979-2008, 8 October 2008**

An Act respecting the Ministère de la Santé et des Services sociaux  
(R.S.Q., c. M-19.2)

### **Implementation of the provisions regarding health in the agreements entered into by the Gouvernement du Québec with international organizations**

Regulation respecting the implementation of the provisions regarding health in the agreements entered into by the Gouvernement du Québec with international organizations

WHEREAS, under subparagraph 2 of the first paragraph of section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

WHEREAS, under the third paragraph of section 10, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the implementation of the provisions regarding health in the agreements entered into by the Gouvernement du Québec with international organizations was published in Part 2 of the *Gazette officielle du Québec* of 28 May 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services and of the Minister of International Relations and Minister responsible for La Francophonie:

\* The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993 (1993, *G.O.* 2, 5996), was last amended by the regulation made by Order in Council 320-2006 dated 13 April 2006 (2006, *G.O.* 2, 1344). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

THAT the Regulation respecting the implementation of the provisions regarding health in the agreements entered into by the Gouvernement du Québec with international organizations, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the implementation of the provisions regarding health in the agreements entered into by the Gouvernement du Québec with international organizations**

An Act respecting the Ministère de la Santé et des Services sociaux  
(R.S.Q., c. M-19.2, s. 10)

### **CHAPTER I GOVERNMENT INTERNATIONAL ORGANIZATIONS**

**1.** This Chapter applies to any person who

(1) is a public officer employed by a government international organization that, for the purpose of establishing its head office in Québec, entered into an agreement with the Gouvernement du Québec;

(2) is registered with the Ministère des Relations internationales in accordance with the agreement;

(3) temporarily resides in Québec for the term of his or her contract of employment.

It also applies to the persons who accompany the public officer during the time of his or her employment in Québec, provided that those persons are covered by the agreement and on the conditions set therein.

**2.** To be entitled to the benefits of the health insurance plan and the hospital insurance plan or another health service provided for in a program of the Ministère de la Santé et des Services sociaux, a person referred to in section 1 must register with the Régie de l'assurance maladie du Québec and provide the required information on the appropriate registration form.

In addition to the registration form required under the first paragraph, the public officer must provide the Board with

(1) the document of Le Protocole attesting to the officer's registration with the Ministère des Relations internationales;

(2) a document issued by the international organization and indicating the start and end dates of the contract of employment and, where applicable, the identity of the persons covered by the agreement who accompany the officer; and

(3) the acceptance visa issued by the Department of Foreign Affairs and International Trade.

In addition to the registration form required under the first paragraph of this section, a person referred to in the second paragraph of section 1 must provide the Board with

(1) the document of Le Protocole attesting to the person's registration with the Ministère des Relations internationales;

(2) a copy of the document issued to the public officer by the international organization and indicating the start and end dates of the contract of employment; and

(3) the acceptance visa issued by the Department of Foreign Affairs and International Trade.

Entitlement to the benefits granted to the public officer and the persons covered by the agreement who accompany the officer takes effect on the start date stipulated in the contract of employment or the date of arrival to Québec, whichever is latest. Entitlement to benefits ends on the end date of the contract of employment or the date of departure from Québec, whichever comes first.

**3.** A public officer referred to in section 1 who stays outside Québec in the course of the officer's duties on behalf of the employing international organization remains entitled to the benefits referred to in section 2 for the duration of the stay.

A person referred to in the second paragraph of section 1 who accompanies the public officer during such a stay also remains entitled to benefits.

**4.** A public officer who stays outside Québec during a leave authorized by the officer's employer, excluding a stay referred to in section 3, remains entitled to benefits provided that the total duration of the stays for the year does not exceed 12 weeks, without taking into account stays of 21 consecutive days or less.

A person referred to in the second paragraph of section 1 who stays outside Québec, for a stay excluding a stay referred to in section 3, also remains entitled to benefits on the same conditions.

**5.** A child without a spouse of a public officer referred to in section 1 who is under 25 years of age and who is a duly registered full-time student in a college-level or university-level educational institution located in Canada is presumed to live permanently with the public officer. That presumption applies for no more than 5 consecutive school years if the institution is located outside Québec.

**6.** In the event of inconsistencies, the provisions of this Regulation and those of the agreement concerned prevail over the provisions of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, made by Order in Council 1470-92 dated 30 September 1992.

**7.** The Minister draws up a list of the government international organizations referred to in this Chapter and keeps it up-to-date.

## CHAPTER II NON-GOVERNMENT INTERNATIONAL ORGANIZATIONS

**8.** This Chapter applies to any person who

(1) is employed by a non-government international organization that, for the purpose of establishing its head office in Québec, entered into an agreement with the Gouvernement du Québec;

(2) is registered with the Ministère des Relations internationales in accordance with the agreement;

(3) temporarily resides in Québec for the term of his or her contract of employment.

It also applies to the persons who accompany the employee during the time of his or her employment in Québec, provided that those persons are covered by the agreement and on the conditions set therein.

**9.** To be entitled to the benefits of the health insurance plan and the hospital insurance plan or another health service provided for in a program of the Ministère de la Santé et des Services sociaux, a person referred to in section 8 must register with the Régie de l'assurance maladie du Québec and provide the required information on the appropriate registration form.

In addition to the registration form required under the first paragraph, the employee must provide the Board with

(1) the document of Le Protocole attesting to the employee's registration with the Ministère des Relations internationales;

(2) a document issued by the international organization and indicating the start and end dates of the contract of employment and, where applicable, the identity of the persons covered by the agreement who accompany the employee;

(3) the employment authorization issued by Canadian immigration authorities.

In addition to the registration form required under the first paragraph of this section, a person referred to in the second paragraph of section 8 must provide the Board with

(1) the document of Le Protocole attesting to the person's registration with the Ministère des Relations internationales;

(2) a copy of the document issued to the employee by the international organization and indicating the start and end dates of the employee's contract of employment;

(3) the authorization of stay issued by Canadian immigration authorities.

Entitlement to the benefits of the plan granted to the employee and the persons covered by the agreement who accompany the employee takes effect on the start date stipulated in the contract, the date on which the authorization of stay is issued or the date of arrival to Québec, whichever is latest. Entitlement to benefits ends on the end date of the contract of employment, the date on which the authorization of stay expires or the date of departure from Québec, whichever comes first.

**10.** An employee referred to in section 8 who stays outside Québec in the course of the employee's duties on behalf of the employing international organization remains entitled to the benefits for the duration of the stay.

A person referred to in the second paragraph of section 8 who accompanies the employee during such a stay also remains entitled to benefits.

**11.** An employee who stays outside Québec during a leave authorized by the employer, excluding a stay referred to in section 10, remains entitled to benefits provided that the total duration of the stays for the year does not exceed 12 weeks, without taking into account stays of 21 consecutive days or less.

A person referred to in the second paragraph of section 8 who stays outside Québec, for a stay excluding a stay referred to in section 10, also remains entitled to benefits on the same conditions.

**12.** A child without a spouse of an employee referred to in section 8 who is under 25 years of age and who is a duly registered full-time student in a college-level or university-level educational institution located in Canada is presumed to live permanently with the employee. That presumption applies for no more than 5 consecutive school years if the institution is located outside Québec.

**13.** In the event of inconsistencies, the provisions of this Regulation and those of the agreement concerned prevail over the provisions of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec.

**14.** The Minister draws up a list of the non-government international organizations referred to in this Chapter and keeps it up-to-date.

**15.** 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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## Draft Regulations

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### Notice

An Act respecting collective agreement decrees  
(R.S.Q., c. D-2)

#### Building Materials — Amendments

Notice is hereby given, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received a petition from the contracting parties requesting him to amend the Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34) and that, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft “Decree to amend the Decree respecting the building materials industry,” 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 Decree is to increase the wage rates of marble industry employees governed by the Decree. It also amends the rate of the indemnity paid for annual vacations and general holidays.

During the consultation period, the impact of the amendments sought will be clarified. According to the 2007 annual report of the Comité conjoint des matériaux de construction, the Decree governs 11 employers and 102 employees.

Further information may be obtained by contacting :

M. Patrick Bourassa  
Direction des politiques du travail  
Ministère du Travail, 200, chemin Sainte-Foy, 5<sup>e</sup> étage  
Québec (Québec) G1R 5S1  
Telephone: (418) 528-9738  
Fax: (418) 644-6969  
E-mail: patrick.bourassa@travail.gouv.qc.ca

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JULIE GOSSELIN,  
*Deputy Minister of Labour*

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### Decree to amend the Decree respecting the building materials industry\*

An Act respecting collective agreement decrees  
(R.S.Q., c. D-2, ss. 2 and 6.1)

**1.** The Decree respecting the building materials industry is amended by replacing section 16.01 by the following:

“**16.01.** Employees receive at least the following hourly rates for each job classification indicated below and for the wage scale applicable thereto:

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\* The Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34) was last amended by the Regulation made by Order in Council No. 84-2006 dated 14 February 2006 (2006, *G.O.* 2, 998). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated to 1 September 2008.

Classification	As of ( <i>enter here date of coming into force of this Decree</i> )	As of 1 May 2009	As of 1 May 2010	As of 1 May 2011	As of 1 May 2012
1. Cutter all categories (sawyer) wage scale:	\$23.43	\$23.67	\$24.38	\$24.62	\$25.11
0 to 12 months	\$14.08	\$14.22	\$14.65	\$14.80	\$15.10
12 to 24 months	\$16.40	\$16.56	\$17.06	\$17.23	\$17.58
24 to 36 months	\$19.93	\$20.13	\$20.73	\$20.94	\$21.36
36 to 48 months	\$21.68	\$21.90	\$22.56	\$22.79	\$23.25
2. Polisher all categories wage scale:	\$23.43	\$23.67	\$24.38	\$24.62	\$25.11
0 to 12 months	\$14.08	\$14.22	\$14.65	\$14.80	\$15.10
12 to 24 months	\$16.40	\$16.56	\$17.06	\$17.23	\$17.58
24 to 36 months	\$19.93	\$20.13	\$20.73	\$20.94	\$21.36
36 to 48 months	\$21.68	\$21.90	\$22.56	\$22.79	\$23.25
3. Terrazzo cutter (granite) wage scale:	\$23.43	\$23.67	\$24.38	\$24.62	\$25.11
0 to 12 months	\$14.08	\$14.22	\$14.65	\$14.80	\$15.10
12 to 24 months	\$16.40	\$16.56	\$17.06	\$17.23	\$17.58
24 to 36 months	\$19.93	\$20.13	\$20.73	\$20.94	\$21.36
36 to 48 months	\$21.68	\$21.90	\$22.56	\$22.79	\$23.25
4. Shop labourer	\$15.13	\$15.28	\$15.74	\$15.90	\$16.22.”.

**2.** Section 21.02 is replaced by the following:

“**21.02.** At the end of each week, the employer shall credit to each employee, as an indemnity for compulsory annual vacations and for general holidays, a sum equal to the percentage of the wages earned during the week provided for in the collective agreement applicable in the institutional and commercial sector of the building industry, on the same conditions and with the same obligations.”.

**3.** Section 29.01 is amended by replacing the numbers “2008” and “2007” by the numbers “2013” and “2012” respectively.

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

## Draft Regulation

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

### Cost of work for public institutions and private institutions under agreement to be authorized by agencies — Amendment

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 cost of work for public institutions and private institutions under agreement to be authorized by agencies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the monetary limit applicable to work for public institutions and private institutions under agreement to be authorized by agencies.

The draft Regulation will have no impact on citizens or enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Mario Fortin, Direction des investissements, Ministère de la Santé et des Services sociaux, 1005, chemin Sainte-Foy, 1<sup>er</sup> étage, Québec (Québec) G1S 4N4; telephone: 418 266-5847; fax: 418 266-5834; e-mail: mario.fortin@msss.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

YVES BOLDUC,  
*Minister of Health and Social Services*

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## Regulation to amend the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies\*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 3)

**1.** The Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies is amended in section 1 by replacing “\$2,000,000” at the end of the first paragraph by “\$5,000,000”.

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

8980

## Draft Regulation

Derivatives Act  
(2008, c. 24)

### Tariffs for costs and fees payable

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 tariffs for costs and fees payable, appearing below, may be submitted to the Government for approval with or without amendment on the expiry of 45 days following this publication.

The draft Regulation proposes to set the tariff of the costs incurred in connection with an inspection or investigation that established non-compliance with a provision of the Derivatives Act and the investigation costs that the Autorité des marchés financiers may recover from any person found guilty of an offence under the Act or under the derivatives legislation of another legislative authority. It also proposes to set a tariff for the actual costs incurred by the Authority for the administration of the provisions of the Act concerning the obligations of recognized regulated entities.

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\* The Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies, made by Order in Council 60-2003 dated 22 January 2003 (2003, *G.O.* 2, 629), has not been amended since it was made.

The draft Regulation also proposes to set the tariff of the fees payable for any formality required by the Act or for services rendered by the Authority, as well as the terms of payment for those fees.

Consequently, fees will be payable by a regulated entity at the time of an application for recognition or for the modification of a recognition decision. Fees will be payable by a dealer, adviser or representative at the time of an application for registration, once a year and upon filing certain documents. Fees will also be required from a market participant with respect to the preparation of an inspection, the inspection itself and the follow-up on the recommendations. Fees will be charged to a person who creates or markets a derivative at the time of an application for qualification to the Authority and at the time of an application for authorization with respect to a derivative or upon filing the annual information. Lastly, fees will be payable at the time of an application for exemption and at the time of an application to designate a person as an accredited counterparty.

Further information on the draft Regulation may be obtained by contacting Daniel Laurion, Director General – special mandates, Autorité des marchés financiers, 800, Square Victoria, 22<sup>e</sup> étage, C. P. 246, Tour de la Bourse, Montréal (Québec) H4Z 1G3; telephone: 514 395-0558, extension 2121; fax: 514 873-3090; e-mail: daniel.laurion@lautorite.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

MONIQUE JÉRÔME-FORGET,  
*Minister of Finance*

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## **Regulation respecting tariffs for costs and fees payable**

Derivatives Act  
(2008, c. 24, s. 174 subpars. (3) and (5))

### **DIVISION I TARIFFS FOR COSTS**

- 1.** The costs incurred in connection with an inspection or investigation referred to in section 135 of the Derivatives Act (2008, c. 24) are \$85 an hour per inspector or investigator.
- 2.** The actual costs incurred by the Authority referred to in section 143 of the Act are determined on the basis of a tariff of \$85 an hour per professional agent.
- 3.** The Authority's investigation costs referred to in section 170 of the Act are \$85 an hour per investigator.

### **DIVISION II TARIFFS FOR FEES PAYABLE**

- 4.** A fee in the amount of \$5,000 is payable by a regulated entity at the time of an application referred to in section 14 of the Act.
- 5.** The following fees are payable by a dealer, an adviser or a representative unless the dealer, the adviser or the representative is deemed to be registered pursuant to section 57 of the Act:

(1) at the time of an application for registration as a dealer or an adviser, \$1,500;

(2) at the time of an application for registration as a representative:

(a) of a dealer that is a member of a self-regulatory organization to which the Authority has delegated enforcement of the provisions concerning the registration of representatives, \$150;

(b) of a dealer that is not a member of such a self-regulatory organization, \$375;

(c) of an adviser, \$375.

(3) on December 31 of each year, in the case of a dealer:

(a) \$1,500;

(b) for each of its representatives registered on December 31, excluding representatives who ceased activities:

i. \$175 in the case of a dealer that is a member of a self-regulatory organization to which the Authority has delegated the enforcement of the provisions concerning the registration of representatives;

ii. \$375 in the case of a dealer that is not a member of such a self-regulatory organization;

(c) \$75 for each of its establishments, an establishment being the location where the registered dealer carries on its activities;

(4) on the first day of the fourth month following the end of the financial year of a dealer, the amount exceeding 0.14% of the capital employed in Québec and the fee prescribed in subparagraph (a) of subparagraph (3). The capital employed in Québec is calculated in accordance with the following formula, where the total capital represents the amount shown by the dealer on the line “total financial statement capital” of Statement A of the Joint Regulatory Financial Questionnaire and Report adopted by self-regulatory organizations:

total capital X	salaries and wages paid in Québec	+	revenue earned in Québec
	total salaries and wages		total revenue earned
		2	

(5) on December 31 of each year, in the case of an adviser:

(a) \$1,500;

(b) \$375 for each of its representatives registered on December 31, excluding representatives who ceased activities;

(6) at the time of filing, by a dealer that is not a member of a self-regulatory organization to which the Authority has delegated the enforcement of the provisions concerning the registration of representatives or by an adviser, of the notice to the effect that it has hired a representative, \$50;

(7) at the time of filing the notice relating to the acquisition of a dealer’s or adviser’s securities or assets prescribed by regulation, \$500;

(8) at the time of filing the form provided for in Form 33-109F4 of Regulation 33-109 respecting Registration Information approved by Ministerial Order No. 2007-05 dated July 11, 2007 for or on behalf of a permitted individual, as defined in the Regulation:

(a) \$375 for the permitted individual acting on behalf of a dealer, except where the dealer is a member of a self-regulatory organization to which the Authority has delegated approval of such individual;

(b) \$375 for the permitted individual acting on behalf of an adviser.

**6.** An hourly fee of \$85 per inspector is payable by a market participant with respect to the preparation of an inspection, the inspection itself and the follow-up on the recommendations, within 30 days from the date of the statement of fees.

**7.** A fee in the amount of \$5,000 is payable by a person applying for qualification under section 82 of the Act.

**8.** The following fees are payable by a qualified person:

(1) at the time of an application for authorization with respect to a derivative under section 83 of the Act, \$1,250;

(2) at the time of filing the annual information required under section 85 of the Act, \$0.005 per contract entered into in Québec, subject to a minimum of \$500.

**9.** A fee in the amount of \$500 is payable at the time of an application for exemption under section 86 of the Act.

**10.** A fee in the amount of \$500 is payable at the time of an application to designate a person as an accredited counterparty under section 87 of the Act.

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

## Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

### Safety Code for the construction industry

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 occupational health and safety and the Safety Code for the construction industry, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health, safety and physical integrity of divers.

To that end, it proposes the addition of new provisions relating to the rules applicable to underwater work, in particular with regard to the training of dive team members, composition and operation of the dive team, required equipment and material, breathing mixture to be used, diving documents, medical monitoring and general and special safety rules to apply.

It also adds special safety rules for certain types of diving, such as diving in a contaminated environment, deep diving, diving in an environment with an obstruction, diving in a restricted access area and ice diving.

Study of the matter has shown little impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Rochon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: 418 266-4699, extension 2031; fax: 418 266-4698.

Any person wishing to comment on this matter is requested to submit written comments within the 45-day period to Guylaine Rioux, Vice-Chair, Relations with Partners and Consultants, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14<sup>e</sup> étage, Montréal (Québec) H3B 3J1.

LUC MEUNIER,  
Chair of the Board of Directors and  
Chief Executive Officer  
Commission de la santé et de la  
sécurité du travail

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## SCHEDULE X

**Part 1** (s. 312.38)  
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## Regulation to amend the Regulation respecting occupational health and safety\* and the Safety Code for the construction industry\*\*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 3, 7, 9 to 13, 19, 21.1, 21.5, 41, 42, 2nd and 3rd pars.)

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001, s. 454, 1st par., subpar. 4)

**1.** The Regulation respecting occupational health and safety is amended in section 2 by replacing “and 162 to 165” in the second paragraph by “, 162 to 165 and Division XXVI.1”.

**2.** Section 4 is amended by replacing “of section 339” by “of sections 312.5 and 339”.

**3.** The Regulation is amended by inserting the following after section 312:

### “DIVISION XXVI.1 UNDERWATER WORK

#### **312.1. Definitions:** In this Division,

“area of influence” means a part of a watercourse upstream or downstream from a hydraulic structure or hydroelectric plant that, following a variation in the flow of turbine discharge or discharged water, is subject to current variations that constitute danger for the diver; (*zone d’influence*)

“bottom time” means the time, rounded to the nearest whole minute, comprised between the time the dive begins and the time the diver begins to ascend; (*temps de fond*)

“breathing mixture” means compressed breathing air or a gas mixture containing oxygen in a proportion sufficient to enable the diver to breathe freely without any danger of physiological problems; (*mélange respirable*)

“buddy diving” means any free-swimming scuba diving by a team of 2 divers who ensure each other’s safety; (*plongée en compagnonage*)

“contaminated environment” means a liquid environment containing contaminants within the meaning of the Act respecting occupational health and safety; (*milieu contaminé*)

“decompression accident” means an accident caused by the formation of gas bubbles in the blood and tissues following bad decompression while diving; (*accident de décompression*)

“decompression tables” means the tables indicating the duration of the stops to be complied with in the ascent of a diver according to the characteristics of the dive, such as depth, breathing mixture used and bottom time, in order to reduce the risk of decompression accidents; (*tables de plongée ou de décompression*)

“deep diving” means any diving to depths greater than 40 m; (*plongée profonde*)

“dive time” means the time period comprising the bottom time and the time required to resurface, including decompression time; (*durée de plongée*)

“diving bell” means a vessel linked to the surface, with the bottom open and having, at its top, a dry compartment for the diver; (*cloche de plongée*)

“diving station” means a location on the surface, such as a bank, jetty, floating wharf or boat, large enough to safely hold the dive team and other workers, allow the installation of the required diving equipment and material and ensure the smooth running of the operations; (*poste de plongée*)

\* The Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated 4 July 2001 (2001, G.O. 2, 3888), was last amended by the regulations approved by Order in Council 119-2008 dated 13 February 2008 (2008, G.O. 2, 682) and by Order in Council 510-2008 dated 21 May 2008 (2008, G.O. 2, 2053). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

\*\* The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) was last amended by the regulation approved by Order in Council 119-2008 dated 13 February 2008 (2008, G.O. 2, 682). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

“environment with an obstruction” means a submerged work area from which a diver cannot be returned to the surface because of an obstacle exerting a resistance when the umbilical is pulled from the surface; (*milieu à obstacle*)

“free-swimming scuba diving” means scuba diving without a lifeline secured to the surface or a buoy; (*en nage libre ou plongée en nage libre*)

“hyperbaric chamber” means a pressure vessel and associated equipment designed to submit a person to pressures greater than atmospheric pressure; (*caisson hyperbare*)

“police diving” means any diving by police divers who are members of a diving unit constituted within a police force in Québec, during an intervention regarding public order and security in accordance with the laws in force, in particular, rescue, safety of sites, or search and recovery of persons or clues linked to a criminal investigation; (*plongée policière*)

“restricted access area” means a submerged work area, such as a tank, from which a diver can only exit or be taken out through a narrow passageway; (*milieu à accès restreint*)

“saturation diving” means any diving consisting in maintaining the diver pressurized in a submersible compression chamber so that the total pressure of inert gases in the diver’s body remains equal to the ambient pressure at the depth of the dive and thus allowing a longer bottom time without lengthening the duration of the decompression; (*plongée à saturation*)

“scientific diving” means any diving to gather specimens or data for scientific purposes, in particular, in archaeology, biology, environment sciences, oceanography, halieutics or microbiology; (*plongée scientifique*)

“scuba diving” means any diving carried out with an open-circuit underwater breathing apparatus attached only to at least 1 cylinder containing a breathing mixture worn by a diver; (*plongée en mode autonome*)

“Service d’assistance médicale pour les urgences en plongée” means the medical assistance service in case of diving emergency designated by the Ministère de la Santé et des Services sociaux;

“site likely to show a pressure differential” means an underwater site where a crack, piping erosion or opening can cause a difference in pressure causing a source of suction for the diver; (*site susceptible de présenter un différentiel de pression*)

“stage” means the equipment used to bring a diver to the point of entry into the water, in particular a cage, submersible compression chamber, platform or diving bell; (*nacelle de plongeur*)

“submersible compression chamber” means a submersible hyperbaric chamber equipped with a variable pressure lock used to lower divers under pressure or bring them up at the atmospheric pressure; (*tourelle*)

“surface-supply diving” means any diving carried out with an open-circuit underwater breathing apparatus attached to an umbilical supplied from the surface with a breathing mixture; (*plongée en mode non autonome*)

“therapeutic recompression” means the treatment received by a diver, usually in a hyperbaric chamber, in accordance with the recognized treatment tables and practices; (*recompression thérapeutique*)

“treatment tables” means the hyperbaric treatment protocols, including the therapeutic recompression profiles used when treating a diver who was the victim of a decompression accident; (*tables de traitement*)

“umbilical” means a bundle of cables and flexible hoses linking a diver to the surface to supply breathing mixture, power and communication. (*ombilical*)

**312.2. Scope:** This Division applies to any underwater work, except section 312.6, paragraph 5 of section 312.20, section 312.27, paragraph 1 of section 312.86, section 312.87 and paragraph 1 of section 312.91 that do not apply to police diving.

However, this Division does not apply to the teaching and practice of recreational diving that are governed by the Act respecting safety in sports (R.S.Q., c. S-3.1).

### §1. General

**312.3. Object:** The purpose of this Division is to establish standards applicable to underwater work in order to ensure the health, safety and physical integrity of divers and any other workers, in particular with regard to the training of dive team members, composition and operation of the dive team, required equipment and material, breathing mixture to be used, diving documents, medical monitoring and general and special safety standards to apply.

**312.4. Employer’s obligations:** An employer must in particular ensure that each member of the dive team performs the duties assigned.

In a scientific dive performed by a government agency, educational institution, non-profit research institution or any other non-profit institution, the employer must comply with the provisions of this Division or the Canadian Association for Underwater Science Standard of Practice for Scientific Diving, 3rd Edition, October 1998.

**312.5. Diver's obligations:** A diver must

(1) inform the diving supervisor of any health condition that may make the diver unfit for diving; and

(2) keep an up-to-date diving logbook and retain it for at least 5 years.

**§2. Diving modes**

**312.6. Diving mode according to work:** Surface-supply diving is required for the following:

(1) work performed on a construction site within the meaning of section 1 of the Act respecting occupational health and safety;

(2) welding or cutting;

(3) jetting or suction dredging;

(4) work requiring the use of a lifting device to handle loads underwater;

(5) work requiring the handling or use of explosives;

(6) deep diving work;

(7) work in a contaminated environment requiring the exceptional preventive measures referred to in sections 312.74 to 312.79;

(8) work involving dives with special hazards requiring the safety measures referred to in sections 312.86 to 312.91; and

(9) inspecting submerged structures or infrastructures.

**§3. Dive team**

**312.7. Composition of the dive team:** All diving must be performed in teams.

Subject to sections 312.19, 312.76, 312.80, 312.84, paragraph 1 of section 312.86, section 312.87, paragraph 1 of section 312.88, the first paragraph of section 312.89 and paragraph 1 of section 312.91, a dive team must consist of at least 3 divers sharing the duties of diving supervisor, diver, standby diver and diver's tender, according to the following:

(1) the diving supervisor may also act as standby diver or diver's tender; and

(2) the standby diver may also act as diving supervisor but not as diver's tender.

In addition, the dive team includes 2 hyperbaric chamber operators when such a chamber is required.

**312.8. Training of dive team members:** Within 12 months after (*insert the date of coming into force of this Regulation*), each dive team member, according to the diving mode and the position held, must

(1) receive training in occupational diving according to CSA Standard CSA-Z275.5-05, Occupational Diver Training, and hold a certificate to that effect issued by an educational institution authorized by the Ministère de l'Éducation, du Loisir et du Sport to offer such training or obtain skills recognition from such an institution;

(2) receive, in the case of a dive carried out in a site likely to show a pressure differential, training on the intervention techniques in a situation of pressure differential and hold a certificate to that effect issued by an institution authorized by the Ministère de l'Éducation, du Loisir et du Sport to offer training in occupational diving; or

(3) receive, in the case of police diving, diving training whose program is certified by the École nationale de police du Québec and hold a certificate to that effect or obtain skills recognition.

In addition, at least every 3 years, each dive team member referred to in subparagraph 2 must update his or her knowledge and hold a certificate to that effect issued by an educational institution authorized by the Ministère de l'Éducation, du Loisir et du Sport to offer training in occupational diving.

Subparagraph 2 and the second paragraph apply in the case of police diving. The training must however be certified or approved by the École nationale de police du Québec.

Every person who holds a certificate of training in occupational diving or a certificate to the same effect, depending on the diving mode and the position held, issued by an occupational diving school recognized by the Commission de la santé et de la sécurité du travail before (*insert the date of coming into force of this Regulation*) is exempt from the requirements in subparagraph 1.

**312.9. Minimum age:** A dive team member must be at least 18 years of age.

**312.10. Experience of the diving supervisor:** The diving supervisor responsible for underwater work on a construction site must have carried out 100 dives and have at least 1,000 hours of underwater work on a construction site declared to the Commission de la construction du Québec, in accordance with the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20).

**312.11. Duties of the diving supervisor:** Every dive must be supervised by a diving supervisor who must, in particular,

(1) before performing underwater work upstream or downstream from a hydraulic structure or a hydroelectric plant, communicate with its owner. Section 312.89 applies if the work is performed in the area of influence;

(2) before each dive in seaways or port facilities, notify the authorities concerned;

(3) before each dive, prepare a dive plan that complies with section 312.31, brief the dive team members on the plan, discuss it with them and obtain their agreement;

(4) ensure that the diving equipment and installations comply with those described in this Division and are in good working order;

(5) ensure that each diver wears the required diving equipment, in particular that the standby diver's mask or helmet and suit provide protection equivalent to the underwater diver's mask or helmet and suit, and that it is installed correctly;

(6) ensure that each diver checks his or her equipment once in the water, before starting the dive;

(7) see to the implementation of the dive plan and to the prior setting up of any installation enabling the standby diver to take action quickly and in particular to deal with any emergency;

(8) supervise dive team members;

(9) remain on the surface unless an intervention is required because the safety of a diver is threatened and only after delegating the responsibilities of diving supervisor to a diver on the surface;

(10) designate the dive team member on the surface who is responsible for radio communication with each diver underwater;

(11) prepare and update a register of the dives supervised; and

(12) ensure that any other activity does not endanger the health or safety of the dive team members.

**312.12. Duties of the standby diver:** The standby diver must

(1) remain on the surface and dive only in case of emergency to help a diver underwater;

(2) ensure that the required diving and communication equipment is ready for use in the environmental conditions surrounding the diver underwater; and

(3) be ready to dive in the environmental conditions surrounding the diver underwater within not more than

(a) 5 minutes for scuba diving; or

(b) 7 minutes for surface-supply diving.

In addition, the standby diver may not assist more than 1 diver at a time, except if the distance separating the standby diver from the divers' entry points does not exceed 30 m.

A scuba diver may not act as a standby diver for a surface-supplied diver.

**312.13. Duties of the diver's tender:** The diver underwater must always be assisted by a diver's tender who must

(1) constantly monitor the diver's lifeline; and

(2) see to the operation of the breathing mixture supply and distribution system used by the surface-supplied diver.

**312.14. Duties of the hyperbaric chamber operator:** The hyperbaric chamber operator must

(1) see exclusively to the operation of the hyperbaric chamber; and

(2) be assisted by another member of the dive team if the operator has been diving within the last 6 hours.

**312.15. Exclusivity of the duties of the dive team:** Dive team members must carry out only the duties assigned to them.

The duties performed on the surface in relation to diving operations must be assumed by workers who are not members of the dive team.

#### §4. General safety standards

**312.16. Lifeline:** Subject to section 312.19, a diver must be tethered to the surface by a lifeline.

The lifeline must

(1) be made of cord

(a) of material other than natural fibre or monofilament polypropylene;

(b) at least 12 mm in diameter;

(c) at least 1.5 times the length used underwater;

(d) with a breaking strength greater than 20 kN; and

(e) free of knots and splices, except at the ends where only splices are allowed;

(2) be secured, on the surface,

(a) to an anchorage point that ensures a breaking strength greater than 20 kN, for surface-supply diving, unless that point is a boat that cannot ensure that strength, in which case the cord must be secured to an anchorage point as solid as possible; or

(b) to an anchorage point that ensures a sufficient breaking strength when the lifeline is at its maximum tension, for scuba diving; and

(3) be attached to a diving harness.

In addition, the lifeline must

(a) allow to transmit line signals, pull a diver up or stop a diver's movement underwater; and

(b) protect the air hose and communication cable against tension when it is integrated into an umbilical.

**312.17. Lifeline of a standby diver:** In addition to the standards listed in section 312.16, the lifeline of a standby diver must be at least 3 m longer than that of the diver underwater.

**312.18. Umbilical:** The umbilical must be protected against kinking or crushing likely to hinder its operation and free of any intermediate linkage over its entire length.

An umbilical may be used as a lifeline if it was designed for that purpose. If not, a lifeline must be integrated to protect the umbilical against any tension.

**312.19. Free-swimming scuba diving:** If a diver's lifeline could get stuck or tangled, the diving supervisor, when another work method cannot be used, may authorize free-swimming scuba diving, on the condition that an accompanying diver secured to the surface by a lifeline goes underwater and maintains permanent visual contact with the free-swimming diver. The accompanying diver is added to the dive team referred to in section 312.7.

If the lifeline of the accompanying diver could also get stuck or tangled, the diving supervisor may authorize the 2 divers to buddy dive in accordance with section 312.20.

**312.20. Buddy diving:** While buddy diving, the divers must

(1) establish a communication code by hand signals to be used in case of emergency or failure of the voice communication system;

(2) maintain constant visual contact with each other during the entire dive;

(3) terminate the dive immediately if 1 of the divers begins to ascend;

(4) apply the emergency measures in the dive plan if 1 of the divers does not respond to a signal; and

(5) be tethered to the surface by a cord attached to a buoy, which must be constantly visible and monitored so that immediate help may be provided to the divers in case of emergency.

**312.21. Decompression tables:** Except in saturation diving, dives, ascents and rest periods must comply with the decompression tables of the Defence and Civil Institute of Environmental Medicine of the Department of National Defence of Canada corresponding to the breathing mixture used, as they read at the time they apply.

Except in case of emergency, a diver must never be in a situation of undue exposure defined in those tables.

**312.22. Communication system by line signals:** Except in the case of a buddy dive in accordance with section 312.20, a 2-way communication system by line signals must be established for each dive so that

(1) a diver may immediately obtain help from the dive team members on the surface, if needed; and

(2) the dive team on the surface may, at any time, call a diver back to the surface.

**312.23. Voice communication system:** In addition to the system referred to in section 312.22, a 2-way voice communication system between the diver underwater and the dive team members on the surface must be used for all dives

- (1) that are surface-supplied;
- (2) with a buddy and free-swimming;
- (3) at the end of submerged pipes;
- (4) in an environment with an obstruction;
- (5) in a restricted access area;
- (6) under ice;
- (7) in a contaminated environment; and
- (8) to a depth of more than 40 m in the case of a police dive when the location does not allow the transportation of a hyperbaric chamber to the diving station.

During a dive to a depth of more than 50 m, the 2-way voice communication between the diver and the surface must be recorded for the entire dive. The recording must be kept for at least 48 hours.

A dive must be interrupted if the 2-way voice communication system should fail.

**312.24. Features of the voice communication system:** The communication system referred to in section 312.23 must

- (1) have a transmission quality that allows the diver's breathing to be clearly heard; and
- (2) be equipped with a voice unscrambler if a gas mixture containing helium or other sound-distorting gas is used.

**312.25. Dive time:** The sum of a diver's dive times must never exceed 4 hours per 24-hour period.

**312.26. Signalling:** Any underwater work in navigational waters must be signalled in accordance with the Collision Regulations (C.R.C., c. 1416) and the Private Buoy Regulations (SOR/99-335).

When a diver is in the water, no boat or other floating equipment in the work area may be moved without the authorization of the diving supervisor.

**312.27. Current:** When the current at the underwater workstation where the diver must perform duties is over 1 knot, a current deflector must be used to reduce the current to not more than 1 knot. The deflector manufacturing and installation drawings must be approved by an engineer and be available at the dive site.

If it is impossible to use a deflector, another means ensuring equivalent safety must be approved by an engineer.

**312.28. Handling and use of explosives:** Any work requiring the handling or use of explosives underwater must be carried out in accordance with Division IV of the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6), except subdivision 4.2 in the case of a police dive.

In addition, the lead wire must not be attached to the detonator before all divers have moved at least 800 m away from the explosion site on the water or have taken shelter on shore.

**312.29. Underwater welding and cutting:** Any underwater welding or cutting, as well as the installation, handling and maintenance of equipment required to that effect, must be carried out in accordance with Clause 9.5 of CSA Standard CAN/CSA W117.2-01, Safety in Welding, Cutting and Allied Processes, except Clause 9.5.3.3.

**312.30. Protection against electrical hazards:** Electric voltage of devices, equipment and tools used underwater must not exceed 110 volts in direct current or 42 volts in alternating current.

Those devices, equipment and tools must be

- (1) insulated;
- (2) equipped with a shut-off switch;
- (3) equipped with a ground fault detector if the power supply is alternating current from the public network or its equivalent; and
- (4) grounded, in the case of equipment.

##### **§5. Diving documents**

**312.31. Dive plan:** The dive plan that must be prepared by the diving supervisor in accordance with section 312.11 must include at least the following items:

- (1) the description of the dive sites, seabed characteristics and the nature of the work to be carried out;

- (2) the depth and duration of the dive;
- (3) the current velocity and, if applicable, the preventive measures to be taken to eliminate the risk of drifting;
- (4) the diving mode prescribed and the required equipment and material, including the nature and quantity of the breathing mixture used;
- (5) the identification of the hazards and the preventive measures to be taken to eliminate or control them;
- (6) the preventive measures in a contaminated environment and whether they are general or exceptional;
- (7) the duties assigned to each member of the dive team;
- (8) the establishment of a code for communication and recall to the surface by line signals;
- (9) the measures to be taken in case of emergency, such as communication failure between the surface and a diver, equipment failure or poor environmental conditions, such as wind, bad weather, currents, waves, bad visibility and contaminants; those measures must include an underwater rescue simulation at every dive site, including a site likely to show a pressure differential, and when 50% or more of the dive team is replaced;
- (10) the evacuation and transportation methods for an injured diver, in particular, air transport, if applicable;
- (11) the contact information of the medical services to contact in case of decompression accident or other, particularly the contact information of the Service d'assistance médicale pour les urgences en plongée; and
- (12) the contact information of the administrative authorities concerned by the underwater work, such as the police, the port authority and the authorities in charge of the navigational waters, water intakes, water purification plants and hydraulic structures.

**312.32. Diving logbook:** The diving logbook that must be prepared by the diving supervisor in accordance with section 312.11 must include, for each dive supervised, a record containing the information referred to in the second paragraph of section 312.33.

The logbook must be retained by the employer for at least 5 years.

**312.33. Diver's logbook:** The logbook kept by each diver in accordance with section 312.5 must contain the following information and documents:

- (1) the diver's name, address and date of birth;
- (2) the training certificates or recognition referred to in sections 312.8 and 312.60; and
- (3) the medical certificate referred to in section 312.57.

In addition, the diver must enter the following information in the logbook after each dive:

- (1) the name of the employer for which the dive was performed;
- (2) the description of the work;
- (3) the date and time of the dive;
- (4) the diving devices and breathing mixture used;
- (5) the maximum depth reached during the dive;
- (6) the dive time;
- (7) the bottom time;
- (8) the water temperature;
- (9) the time of ascent and arrival on the surface;
- (10) the interval between successive dives;
- (11) in the case of a dive from a submerged or pressure vessel, the depth of that vessel as well as its time of arrival and departure; and
- (12) any other relevant information, such as weather conditions, currents, emergency simulation, use of a therapeutic recompression or hyperbaric exposure and the protocol carried out.

The diver's logbook must be available at all times at the diving station.

**312.34. Maintenance logbook:** Maintenance information on the diving equipment and material, including the breathing mixture supply system, such as a description of the location and the material maintained, the date of the maintenance as well as the name of the person doing the work, must be recorded in a logbook.

The logbook must be retained by the employer for at least 5 years.

## *§6. Equipment and material*

**312.35. Scuba diving equipment:** The use of the following minimum equipment is compulsory for any scuba diving:

- (1) an open-circuit underwater breathing apparatus attached to at least 1 cylinder containing a breathing mixture and equipped with a demand regulator;
- (2) a submersible pressure gauge;
- (3) an emergency self-contained breathing apparatus;
- (4) subject to section 312.37 and paragraph 2 of section 312.69, a wet suit appropriate to the work conditions;
- (5) a diving mask;
- (6) an inflatable buoyancy compensator;
- (7) a pair of swim fins;
- (8) a harness, designed for diving by a manufacturer, with pelvic support and at least 2 attachment points, including 1 dorsal point, with a breaking strength greater than 20 kN and that are accessible and visible when the diver is dressed and equipped;
- (9) a releasable weight belt equipped with a quick-release buckle or ballasting system;
- (10) a depth gauge;
- (11) a knife suitable for the work; and
- (12) a light and a rescue or stroboscopic beacon for night diving.

**312.36. Surface-supply diving equipment:** The use of the following equipment is compulsory for any surface-supply diving:

- (1) a surface-supplied underwater breathing apparatus including a helmet or a full face mask equipped with a continuous or demand regulator, in addition to protective headgear;
- (2) an umbilical;
- (3) an emergency self-contained breathing apparatus attached to the appropriate accessories, with a regulator equipped with a shut-off valve and a submersible pressure gauge;

(4) subject to section 312.37 and paragraphs 2 of sections 312.69 and 312.78, a wet suit suitable for the work conditions;

- (5) non-releasable ballast;
- (6) a depth gauge or pneumo depth gauge for deep diving;
- (7) a harness, designed for diving by a manufacturer, with pelvic support and at least 5 attachment points, including 1 dorsal point accessible to the diver using an extension of at least 20 kN, having the following features:
  - (a) a breaking strength greater than 20 kN;
  - (b) they are accessible and visible by the standby diver when the diver is dressed and equipped;
- (8) a suitable knife;
- (9) a pair of swim fins and, for bottom work, safety boots especially designed to protect against the risks of puncture or the fall of heavy or sharp objects; and
- (10) a light for night diving.

**312.37. Thermal protection when diving:** Diving in water whose temperature is higher than 40°C is prohibited.

A diver must wear a controlled temperature suit in the following cases:

- (1) when diving in water between 35°C and 40°C for more than 15 minutes; and
- (2) when diving in water at 5°C or colder for more than 90 minutes.

A diver must wear a variable volume dry suit in the following cases:

- (1) when diving in water at 14°C or colder for more than 15 minutes; and
- (2) when diving in water at 5°C or colder for 90 minutes or less.

The heating or cooling unit used to warm up or cool down the controlled temperature suit must be equipped with a temperature control and a hot or cold water reserve, as the case may be, to warm up or cool down the suit for the time required by the diver's ascent in case of failure of the heating or cooling unit.

A diver must wear a wet suit under the diving suit in the cases referred to in subparagraphs 1 and 2 of the first paragraph.

**312.38. Diving station and required material:** All dives require the installation of a diving station that must include at least the following material:

(1) a weighted descent line, at least 12 mm in diameter and long enough to reach the bottom at the maximum depth of the underwater workstation, that must be used in particular to guide the diver during descent and ascent; if such a line cannot be used, any other appropriate means to guide the diver, taking into account the depth and diving conditions;

(2) a bottom timer and clock;

(3) a copy of the decompression tables of the Defence and Civil Institute of Environmental Medicine of the Department of National Defence of Canada, as they read at the time they apply;

(4) a copy of the standards referred to in this Division; and

(5) in addition to the equipment required in accordance with the First-aid Minimum Standards Regulation, approved by Order in Council 1922-84 dated 22 August 1984, an oxygen inhalation kit containing at least the items described in Part 1 of Schedule X and, if applicable, enough oxygen to be administered to a diver who was the victim of an accident until the diver enters the hyperbaric chamber or until medical attendants are able to administer oxygen to the diver.

**312.39. Stage:** A stage must be used to move divers to the entry point into the water if the diving station is more than 2 m above water.

The stage must

(1) be built to prevent tipping or spinning;

(2) have a floor surface of at least 0.83 m<sup>2</sup>; and

(3) be able to support the weight of at least 2 divers with their diving equipment.

If the stage is a cage, submersible compression chamber, platform or diving bell, it must meet, in addition to the requirements referred to in the second paragraph, the requirements referred to in paragraph 3 of section 3.10.7 of the Safety Code for the construction industry, except subparagraph *d* of that paragraph.

If the entry point into the water is 2 m or less from the water surface and there is no stage, a ladder must be available to the divers.

When the site's configuration does not allow for a stage to be used, another means providing equivalent safety may be used to move the diver to the entry point. The drawings of the means must be prepared by an engineer and available at the diving station.

**312.40. Hoisting of a stage:** A stage must be hoisted using a crane, boom truck or device designed for lifting a worker according to the following conditions:

(1) the crane or boom truck must comply with the requirements in subparagraphs *d* and *e* of paragraph 2 and paragraph 4 of section 3.10.7 of the Safety Code for the construction industry, as it reads at the time it applies; and

(2) the device designed for lifting a worker must

(a) comply with the requirements in paragraph 1 of section 3.10.7 of the Safety Code for the construction industry, as it reads at the time it applies; and

(b) be the subject of drawings, including the installation and disassembly processes, signed and sealed by an engineer and available at the diving station.

The crane, boom truck or device referred to in the first paragraph must be available at all times to move divers. The crane, boom truck or device may not be used for other purposes while divers are still in the water.

Only dive team members may give instructions to the operator of the crane, boom truck or device referred to in the first paragraph. The operator must be linked to the dive team members' 2-way voice communication system when such a system is required.

**312.41. Booster power supply:** In case of main power source failure, another power source must be turned on rapidly to maintain the operation of all diving devices and equipment required to return a diver to the surface.

#### §7. Breathing mixture

**312.42. Compressed breathing air:** The compressed breathing air must comply with section 48.

**312.43. Gas mixture:** The gas mixture used in a breathing mixture must meet the following requirements:

- (1) the gases must be at least 99.5% pure;
- (2) the proportion of oxygen, nitrogen, helium and any other gas present in the mixture must comply with the decompression tables of the Defence and Civil Institute of Environmental Medicine of the Department of National Defence of Canada, as they read at the time they apply;
- (3) the concentration of contaminants in the mixture must not exceed the maximum concentration provided for in Part 2 of Schedule X;
- (4) the concentration of contaminants other than those provided for in Schedule II must not reach the odour threshold or exceed 1/25 of the time-weighted average exposure values provided for in Part 1 of Schedule I;
- (5) the particles must not exceed 0.3 micrometers; and
- (6) the mixture must be odourless.

**312.44. Pure oxygen:** No submerged diver may breathe pure oxygen at a depth exceeding 7.6 m, except for decompression or therapeutic purposes.

The oxygen used must be 99.5% pure and meet the requirements of paragraphs 3 to 6 of section 312.43.

**312.45. Dew point:** The dew point of the breathing mixture must be at least 5°C lower than the lowest temperature to which the supply system or 1 of its components is exposed.

#### §8. *Supply system*

**312.46. Composition of the supply system:** The system must supply the breathing mixture to the diver at the required temperature, pressure and rate.

The system must include the following components:

- (1) a main supply capable of supplying the required quantity of breathing mixture for the entire dive;
- (2) an auxiliary breathing mixture reserve at the diving station; and
- (3) an emergency self-contained breathing apparatus with sufficient breathing mixture reserve to allow the diver to resurface or re-enter a diving bell or another

submersible chamber in case of emergency; the apparatus must contain the following minimum quantities:

(a) for surface-supply diving

- i. to a depth equal to or less than 15 m, 1,415 l at a minimum nominal pressure of 70%; and
- ii. to a depth greater than 15 m, under ice, in an environment with an obstruction or in a submerged pipe, 2,265 l at a minimum nominal pressure of 70%;

(b) for scuba diving

- i. to a depth equal to or less than 15 m, 368 l; and
- ii. to a depth greater than 15 m, 850 l.

Each component of the supply system must operate independently. An interruption of the main supply must not prevent supply from the auxiliary reserve or the emergency self-contained breathing apparatus.

**312.47. Auxiliary reserve:** The auxiliary reserve referred to in subparagraph 2 of the second paragraph of section 312.46 must include,

(1) for scuba diving, a complete diving breathing apparatus, including a half mask and a full cylinder, for each diver underwater;

(2) for surface-supply diving, a breathing mixture reserve equal to 2.5 times the required quantity to allow each diver to ascend and undergo decompression; and

(3) if a submersible compression chamber is used, a breathing mixture reserve that would allow the underwater work to be extended for 72 hours.

**312.48. Compressed breathing air supply system:** The compressed breathing air supply system and its components must meet the requirements of section 48.

**312.49. Gas mixture supply system:** The gas mixture supply system and its components must

- (1) be designed and manufactured for their intended use;
- (2) be maintained in accordance with the manufacturer's instructions, taking into account the conditions and depths in which they are used;
- (3) be repaired and tested in accordance with the manufacturer's instructions;

(4) be protected against freezing due to the low temperature of the water or ambient air or the expansion of a gas;

(5) include a mixture heater, if the gas mixture includes helium; and

(6) not be modified unless that modification is approved in writing by the manufacturer.

**312.50. Lines:** Each line of the breathing mixture or oxygen supply system must

(1) be designed for its intended use and clearly identified to the diver supplied;

(2) include an easy-to-reach shockproof supply valve; and

(3) be equipped with a pressure gauge, downstream from the supply valve, indicating the supply pressure of the breathing mixture or oxygen, with a dial and numbers easily readable by the diver's tender.

The use of flexible hoses in an oxygen supply line is prohibited, except if the high speed flow of the oxygen in the flexible hose does not create a differential pressure greater than 700 kPa from one end of the hose to the other.

The use of quick-opening valves in an oxygen supply line is also prohibited, except if emergency stop valves are located at the point where the line goes through the hull of a hyperbaric chamber.

For the purposes of this section, "lines" means the rigid and flexible hoses and fittings of the breathing mixture or oxygen supply and distribution system.

**312.51. Breathing mixture cylinder:** Every breathing mixture cylinder must be submitted to a hydrostatic test and maintained and stored in accordance with CSA Standard Z94.4-93, Selection, Use and Care of Respirators.

**312.52. Mask, helmet and regulator:** Every mask, helmet and regulator must

(1) be used and maintained in accordance with the manufacturer's instructions; and

(2) be cleaned and disinfected in accordance with Clause 10.2 and Annex F to CSA Standard Z94.4-93, Selection, Use and Care of Respirators.

**312.53. Check valve:** A surface-supplied diver's helmet and mask must be equipped with a check valve that must be checked before each dive.

**312.54. Pressure gauge:** The use of a defective pressure gauge is prohibited. A pressure gauge that cannot be repaired must be destroyed.

A pressure gauge must be checked at least every 6 months, unless the manufacturer has given instructions to the contrary.

**312.55. Compressor:** Every low pressure compressor must

(1) operate automatically and discharge the breathing mixture in an air cylinder having a sufficient volume to avoid excessive pressure variations;

(2) supply and maintain a breathing mixture supply corresponding to twice the required air flow, at a pressure 25% greater than the maximum pressure required;

(3) have a purification system that complies with Annex D to Standard CAN3-Z180.1 M85, Compressed Breathing Air and Systems; and

(4) be used with cylinders, devices and fittings that comply with CSA Standard CSAB51-M1991, Boiler, Pressure Vessel and Piping Code.

A high pressure compressor, 70.3 kg/cm<sup>2</sup> or more, must not be used to directly supply a surface-supplied diver.

## §9. Medical monitoring

**312.56. Competence of the diving physician:** A diving physician must comply with CSA Standard CAN/CSA Z275.4-02, Competency Standard for Diving Operations. The physician must

(1) have the basic training in Level I diving medicine provided for in the standard, in order to detect the symptoms of exposure to undue pressures and examine a diver's state of health; and

(2) have the advance training in Level II diving medicine provided for in the standard, in order to treat in a hyperbaric chamber a diver who was the victim of a decompression accident and supervise at a distance a chamber operator during that treatment.

**312.57. Medical examination and certificate:** Every 2 years, divers must undergo a physical examination by a diving physician or more often if the physician deems

it necessary and obtain a medical certificate attesting that they are fit to dive. The medical certificate is valid for a maximum of 2 years.

The diving supervisor may also require that a diver again undergo the physical examination referred to in the first paragraph and obtain a new medical certificate, if the supervisor considers that the diver is unfit to dive safely.

**312.58. Contents of the medical certificate:** The medical certificate must indicate

- (1) the name of the diver;
- (2) the date of the physical examination and the expiry date of the medical certificate;
- (3) whether the diver's health allows the diver to dive in the required mode;
- (4) any restriction regarding the diver's health likely to limit diving activities; and
- (5) the name and address of the diving physician who issued the certificate.

The certificate must be attached to the diver's logbook.

**312.59. Medical alert bracelet or tag:** Every diver must wear a medical alert bracelet or tag for at least 24 hours after a dive. The following information must be engraved on the bracelet or tag:

- (1) the words "professional diver"; and
- (2) the telephone number of the Service d'assistance médicale pour les urgences en plongée.

**312.60. First-aid attendants:** Every dive team member must

- (1) be trained in occupational first-aid including a component dealing with near-drowning and hold a certificate to that effect; and
- (2) attend a 4-hour training course on the administration of oxygen to a diver victim of an accident and on the use and maintenance of the oxygen inhalation kit required in section 312.38 and hold a certificate to that effect.

Those certificates must be issued by an institution recognized by the Commission de la santé et de la sécurité du travail, be renewed every 3 years and be attached to the diver's logbook or be available on request.

**312.61. Communication with the Service d'assistance médicale pour les urgences en plongée:** A communication system with the Service d'assistance médicale pour les urgences en plongée must be available at all times at the diving station so that any diver who is injured or was the victim of a decompression accident may receive the required medical supervision.

**312.62. Air transport of a diver:** When transporting by air a diver who was the victim of a decompression accident, the cabin pressure must not be lower than the pressure at an altitude of 300 m from the diving station and in-flight conditions must be established by the Service d'assistance médicale pour les urgences en plongée.

**312.63. Decompression accident:** If a diver is the victim of a decompression accident, the hyperbaric chamber operator must initiate the treatment of the decompression accident victim in the chamber.

The operator must also communicate as soon as possible with the Service d'assistance médicale pour les urgences en plongée so that the treatment may be continued under the supervision of a diving physician.

Before diving again, the diver must obtain a medical report attesting that the diver is fit to dive.

**312.64. Hyperbaric chamber and chamber medical kit:** Subject to section 312.65, a Class A hyperbaric chamber built, used and maintained in accordance with CAN/CSA Standard Z275.1-05, Hyperbaric Facilities, except Clauses 8 and 14, as well as a chamber medical kit with the basic content described in Part 3 of Schedule X, must be available at all times at the diving station in the following cases:

- (1) the dive exceeds the no-decompression limit; or
- (2) the dive depth exceeds 40 m, or 15 m for the work provided for in section 312.6.

The chamber and kit are for the divers' exclusive use. They must be kept in good condition.

For the purposes of this section, "no-decompression limit" means the bottom time that, according to the decompression tables, does not require any decompression stop because of dive depth and duration.

**312.65. Special measures concerning the hyperbaric chamber:** The following measures must be taken when

a police dive is carried out in a location not accessible by land or in any other location where a hyperbaric chamber cannot be transported to the diving station:

- (1) air transport must be available on the site;
- (2) a satellite telephone must be available, if needed; and
- (3) prior to the dive, communication must be established with the nearest hospital equipped with a hyperbaric chamber in order to ensure its availability in case of emergency.

**§10. Special safety standards**

**312.66. Applicable provisions:** The other provisions of this Division apply, with the necessary modifications, to the following types of dive.

**§11. General preventive measures for diving in a contaminated environment**

**312.67. General preventive measures:** The general preventive measures described in sections 312.68 to 312.73 apply to a dive in a contaminated environment as a result of industrial, agricultural or water purification activities.

**312.68. Additional preventive measures in the dive plan:** In addition to the items referred to in section 312.31, the dive plan must refer to

- (1) the protective clothing and respiratory equipment that the workers other than divers must use, if applicable;
- (2) the required material and decontamination and cleaning measures for the divers and other workers and their equipment;
- (3) a depot for contaminated clothing and equipment; and
- (4) the measures to be taken in case of intoxication, including the nature of the first-aid to be given and the telephone numbers of the Centre antipoison du Québec and the Service du répertoire toxicologique of the Commission de la santé et de la sécurité du travail.

**312.69. Diving equipment:** In addition to the equipment referred to in sections 312.35 and 312.36, except paragraph 4, the following equipment must be worn:

- (1) a positive pressure full face mask;

- (2) a dry suit; and
- (3) a pair of watertight gloves.

**312.70. Equipment and installation maintenance:** Before each dive in a contaminated environment, the equipment and the installation must

- (1) be inspected to detect any wear;
- (2) be decontaminated before being used; and
- (3) be destroyed if they cannot be decontaminated.

**312.71. Safety instructions:** In the surface work area, the following safety instructions must be followed:

- (1) access to the work area is restricted to authorized persons only;
- (2) no food, drink or tobacco product may be brought into that area; however, drinking water protected from contamination must be available to prevent dehydration; and
- (3) the workers and their equipment must be decontaminated or cleaned before leaving the work area.

**312.72. Vaccination:** Any diver working in a contaminated environment must be provided free of charge with vaccines against polio, tetanus, hepatitis A and any other vaccine prescribed by a diving physician.

**312.73. Medical certificate:** Any diver contaminated after diving in a contaminated environment must undergo a physical examination by a diving physician and obtain a medical certificate attesting that the diver is fit to dive again.

**§12. Exceptional preventive measures for diving in a contaminated environment**

**312.74. Exceptional preventive measures:** In addition to the general preventive measures referred to in sections 312.68 to 312.73, the exceptional preventive measures prescribed in sections 312.75 to 312.79 apply to any dive operation in a contaminated environment conducted in one of the following locations:

- (1) at the discharge point or in the vicinity of the discharge point of effluents from an industrial plant, a water treatment or wastewater purification station;
- (2) in the vicinity of a chemical, biological or radioactive pollutant spill; or

(3) in a nuclear plant.

Likewise, the measures apply if sediments containing contaminants are moved with equipment resulting in their suspension at the underwater workstation.

**312.75. Identification of contaminants:** The following information must be available in writing at the diving station before the dive operation and handed over to the dive team:

(1) the identification and concentration level of contaminants present on the surface and at the underwater workstation;

(2) the health and safety risks that the contaminants represent for the workers; and

(3) the material safety data sheet provided for in section 62.3 of the Act respecting occupational health and safety if the contaminants are controlled products.

If the concentration level of contaminants may not be established before the dive, the preventive measures in a contaminated environment in sections 312.76 to 312.79 must nevertheless be complied with.

**312.76. Composition of the dive team:** The dive team must consist of at least 4 divers, including 1 diving supervisor, 1 diver, 1 standby diver and 1 diver's tender.

**312.77. Surface-supply diving:** Surface-supply diving is compulsory.

**312.78. Diving equipment:** In addition to the equipment referred to in section 312.36, except paragraph 4, the following equipment must be worn:

(1) a surface-supply diving helmet suitable for working in a contaminated environment; and

(2) a diving suit, made of non-absorbing material, resistant to the contaminants present, to which the diving helmet is attached by a positive seal and lock device.

**312.79. Delimitation of the work areas:** The exclusion, decontamination and support areas must be delimited.

The limits of each area must be clearly defined and marked and the following instructions must be followed:

(1) only workers wearing the required protective clothing and respiratory equipment may enter the exclusion area; and

(2) when leaving the exclusion area, the divers and their equipment must exit through the decontamination area to be cleaned and decontaminated.

For the purposes of this section,

(1) "exclusion area" means the area in the contaminated environment where the dive is performed;

(2) "decontamination area" means the area used for decontaminating divers and their equipment; and

(3) "support area" means the area outside the contaminated environment intended for the management, monitoring and technical and medical support operations of the underwater work.

### §13. Deep diving

**312.80. Composition of the dive team:** Subject to section 312.84, when deep diving, the dive team must consist of at least 5 divers, including 1 diving supervisor, 1 diver, 2 diver's tenders and 1 standby diver.

**312.81. Equipment:** The following equipment is compulsory for any deep dive to lower divers to their underwater workstation and return them to the surface:

(1) a descent line, stage or any other suitable equipment allowing the diver to stop at the various levels in the decompression tables, as they read at the time they apply, if the depth of the dive does not exceed 50 m;

(2) a diving bell or submersible compression chamber, if the depth of the dive is between 50 m and 80 m; and

(3) a submersible compression chamber, if the depth of the dive exceeds 80 m.

The submersible compression chamber referred to in subparagraphs 2 and 3 must comply with CSA Standard Z275.1-05, Hyperbaric Facilities, except Clauses 8 and 14.

The diver's umbilical exiting the diving bell or submersible compression chamber must not exceed the distance that can be covered by the diver's emergency self-contained breathing apparatus to re-enter the diving bell or the submersible compression chamber.

**312.82. Breathing mixture:** Compressed breathing air is prohibited if the depth of the dive exceeds 50 m.

**312.83. Communication system:** For any deep diving, a 2-way voice communication system must be available to the standby diver in the submersible compression chamber to allow communication with the diver underwater, outside the submersible compression chamber, as well as with the dive team members on the surface.

*§14. Diving in a submersible compression chamber*

**312.84. Composition of the dive team:** For diving in a submersible compression chamber, the dive team must consist of at least 5 divers, including 1 diver and 1 standby diver in the chamber, 1 diving supervisor, 1 diver and 1 diver's tender on the surface and the required personnel on the surface to place the submersible compression chamber in the water and ensure adequate operation of the chamber and the chamber system.

The standby diver in the submersible compression chamber also acts as tender.

**312.85. Equipment and communication system:** The second and third paragraphs of section 312.81 and section 312.83 apply to any dive in a submersible compression chamber.

*§15. Other dives with special hazards*

**312.86. Diving near a submerged pipe intake or discharge or inside the pipe:** When diving near a submerged pipe intake or discharge or inside the pipe or another submerged installation, such as a wasteway or wastewater spillway, the water flow must be completely controlled and the following safety standards must be complied with:

(1) the dive team must consist of at least 4 divers, including 1 diver, 1 standby diver and 2 diver's tenders, 1 of whom is the diving supervisor;

(2) every pipe end must be located and the end where the dive is carried out must be clearly identified;

(3) the power source or circuit of any machine or mechanism controlling the flow or that may represent a safety risk for the divers must be locked in accordance with section 185, except the reference that is made to section 186;

(4) a diver may not enter a submerged pipe or other installation if its diameter is smaller than 1 m and turning inside is difficult; and

(5) a diver may not proceed further than 100 m inside a submerged pipe or other installation.

**312.87. Diving in an environment with an obstruction:** When diving in an environment with an obstruction, the dive team must consist of at least 6 divers, including 2 divers underwater to allow 1 diver to lead the other diver's umbilical to the location where an obstacle exerts a resistance when the umbilical is pulled on, 3 diver's tenders and 1 standby diver on the surface, 1 of whom is the diving supervisor.

**312.88. Diving in a restricted access area:** Divers must comply with the following safety standards when diving in a restricted access area:

(1) the dive team must consist of at least 4 divers, including 1 diver, 1 standby diver and 2 diver's tenders, 1 of whom is the diving supervisor;

(2) the diver's tender who is not acting as diving supervisor must always be able to pull directly on the umbilical to return the diver to the surface, if required;

(3) the water flow must be completely controlled; and

(4) a diver lifting device meeting the requirements provided for in section 312.40 must be available on the surface, except if a diver is within easy reach.

**312.89. Diving in an area of influence:** When diving in an area of influence, the diving team must consist of at least 4 divers, including 1 diver, 1 standby diver and 2 diver's tenders, 1 of whom is the diving supervisor.

The diving operation referred to in the first paragraph may be performed if the employer has agreed with the owner of a hydraulic structure or a hydroelectric plant that measures to control the flow of turbine discharge or discharged water must be planned and implemented before beginning the work and maintained until the work is completed in order to ensure stability in the current at the dive site. A copy of the agreement must be available at the diving station.

**312.90. Inspection dive at a site likely to show a pressure differential:** Before performing work underwater at a site likely to show a pressure differential, the underwater work area and a width of at least 5 m in the surrounding of the area must be inspected in order to detect any source of suction and eliminate it, if applicable, if it constitutes a danger for the diver.

In addition, the following safety standards must be complied with:

(1) the diver must be lowered underwater so as to progressively go near the area to inspect; and

(2) the diver must be lowered underwater in one of the following manners:

(a) in a cage that complies with section 312.39 and hoisted according to section 312.40; or

(b) attached by a dorsal lifting ring or link to a cable, other than the lifeline, with a breaking strength greater than 20 kN and linked to a locking device.

**312.91. Ice diving:** The following safety standards must be complied with when ice diving:

(1) the dive team must consist of at least 4 divers, including 1 diver, 1 standby diver and 2 diver's tenders, 1 of whom is the diving supervisor;

(2) no diver may go under the ice more than 50 m from the point of entry into the water;

(3) the bearing capacity of the ice must be evaluated;

(4) the hole made in the ice must

(a) be triangular;

(b) allow the passage of 2 divers; and

(c) have a perimeter visibly defined; and

(5) the piece of ice taken from the hole must be

(a) removed from the water to avoid forming an obstacle or binding the lifeline; and

(b) put back into place after the dive.”.

**4.** Section 1.1 of the Safety Code for the construction industry (R.S.Q., 1981, c. S-2.1, r.6) is amended by replacing subparagraph *e* of paragraph 8 by the following:

“(e) where work is carried out underwater or in a hyperbaric environment;”.

**5.** Section 3.17 of the Code and Schedule I are revoked.

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

## SCHEDULE X

### Part 1

(s. 312.38)

#### Basic content of an oxygen inhalation kit

The oxygen inhalation kit must contain at least the following:

- 1 type D oxygen cylinder (450 l) at a pressure between 2,000 and 2,200 psig
- 1 regulator compatible with the oxygen cylinder valve, equipped with a high pressure gauge and a flowmeter
- 1 pocket mask
- 1 Ambu manual resuscitator
- 1 demand regulator
- 1 high concentration mask
- 1 pair of latex gloves
- 1 instructions manual

**Part 2**  
(s. 312.43)

**Maximum permissible concentration  
of contaminants in a gas mixture**  
(measured at 21°C at 101.3 kPa)

Contaminants	Maximum concentration
Carbon monoxide	2 ml/m <sup>3</sup>
Carbon dioxide	200 ml/m <sup>3</sup>
Methane in	
- pure oxygen	50 ml/m <sup>3</sup>
- a gas mixture	10 ml/m <sup>3</sup>
Combined halogen hydrocarbons	5 ml/m <sup>3</sup>
- trichlorotrifluoroethane	
- dichlorodifluoroethane	
- chlorodifluoroethane	
- fluorotrichloromethane	
Nitrogen dioxide	0.1 ml/m <sup>3</sup>
Nitrous oxide	1 ml/m <sup>3</sup>
Oil (condensates and particles)	5 mg/m <sup>3</sup> at normal temperature and pressure

Note: 1 ml/m<sup>3</sup> is equal to 1 ppm per volume at normal temperature and pressure.

**Part 3**  
(s. 312.64)

**Basic content of a hyperbaric chamber medical kit**

The hyperbaric chamber medical kit must contain at least the following items:

**I. Diagnostic material**

	Quantity
— flashlight	1
— Littmann Classic II stethoscope	1
— Welch Allyn otoscope and ophthalmoscope	1
— Tycos sphygmomanometer	1
— electronic thermometer to measure hypothermia and hyperthermia	1
— tuning fork, 128 vibrations per second	1
— reflex hammer	1
— tongue depressors	50
— safety pins	24
— wooden cotton swabs	100

**II. Treatment material**

— oropharyngeal airways (2 of each size) (sizes 3 to 8)	
— Ambu and Ambu mask for adults:	
medium size	1
large size	1
— bandage scissors (7 ½ in.)	1
— aluminum blanket	1
— packaged sterile gauze pads (4 in. x 4 in.)	25

## Draft Regulation

Parks Act  
(R.S.Q., c. P-9)

### Parks

#### — 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 Parks Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the zoning of the future Parc national Kuururjuaq. The proposed park covers an area of 4,460.8 km<sup>2</sup>. It will be divided into three “maximum preservation zones” covering a total area of 47.3 km<sup>2</sup>, allocated to the preservation of Québec’s northernmost white birch population in its entirety, of a sample of the high summits of Torngat Mountains and of a site of cultural significance, “preservation zones” covering a total area of 3,931.314 km<sup>2</sup>, allocated to the preservation of representative elements of the park, “natural environment zones” covering a total area of 476.031 km<sup>2</sup>, allocated to the discovery and exploration of the natural environment, and two “services zones” covering a total area of 6.107 km<sup>2</sup>, allocated to reception and management of the park.

For that purpose, the draft Regulation amends the Parks Regulation to add Schedule 24, which comprises the zoning plan of the future Parc national Kuururjuaq.

Study of the matter has shown a positive impact for the beneficiaries of the James Bay and Northern Québec Agreement who will be able to profit from the economic spinoffs generated by park visitors.

Further information may be obtained by contacting Stéphane Cossette, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l’Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 4<sup>e</sup> étage, boîte 21, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 7020; fax: 418 646-6169; e-mail: stephane.cossette@mddep.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Serge Alain, Director, Service des parcs, Ministère du Développement durable, de l’Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4<sup>e</sup> étage, boîte 21, Québec (Québec) G1R 5V7.

LINE BEAUCHAMP,  
*Minister of Sustainable Development,  
Environment and Parks*

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## Regulation to amend the Parks Regulation\*

Parks Act  
(R.S.Q., c. P-9, s. 9, par. b)

- 1.** The Parks Regulation is amended in section 3 by adding “Schedule 24: Parc national Kuururjuaq” at the end of the second paragraph.
- 2.** The Regulation is amended by adding the attached Schedule 24 at the end.
- 3.** 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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\* The Parks Regulation, made by Order in Council 838-2000 dated 28 June 2000 (2000, *G.O.* 2, 3556), was last amended by sections 6 and 7 of chapter 14 of the Statutes of 2006. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.



## Draft Regulation

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

### Respiratory therapists — Diplomas giving access to permits — Amendment

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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to amend section 2.10 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to provide for a new diploma giving access to the permit issued by the Ordre professionnel des inhalothérapeutes du Québec

The Order is of the opinion that the amendment will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and the Ordre professionnel des inhalothérapeutes du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister responsible for the administration of legislation respecting the professions after consultations with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Andrée Lacoursière, Assistant to the Director General, Ordre professionnel des inhalothérapeutes du Québec, 1440, rue Sainte-Catherine Ouest, bureau 320, Montréal (Québec) H3G 1R8; telephone: 514 931-2900 or, toll-free, 1 800 561-0029; fax: 514 931-3621.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order as well as to interested persons, departments and bodies.

JACQUES P. DUPUIS,  
*Minister responsible for the administration of legislation respecting the professions*

## Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions 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.** The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended by adding "or at Collège d'affaires Ellis (1974) inc." at the end of paragraph *a* of section 2.10.

**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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\* The Regulation respecting the diplomas issued by designated educational institutions 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 670-2007 dated 14 August 2007 (2007, *G.O.* 2, 2452), 438-2008 dated 7 May 2008 (2008, *G.O.* 2, 1382) and 496-2008 dated 21 May 2008 (2008, *G.O.* 2, 2045). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

## Draft Regulation

Financial Administration Act  
(R.S.Q., c. A-6.001)

### Minister of Finance

#### — Time limit within which the minister is to rule on an application for authorization to make a transaction

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 time limit within which the Minister of Finance is to rule on an application for authorization to make a transaction, appearing below, may be submitted to the Government to be made on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish a time limit of 3 business days following receipt of the application or, where applicable, authorization given by the Minister responsible for the administration of the Act governing the body, within which the Minister of Finance is to rule on an application for authorization to make certain transactions.

Further information on the draft Regulation may be obtained by contacting Chantal Roberge, Direction du financement des organismes publics et de la documentation financière, Ministère des Finances, telephone: 418 643-3185, e-mail: chantal.roberge@finances.gouv.qc.ca or Nathalie Parenteau, telephone: 418 528-1450, e-mail: nathalie.parenteau@finances.gouv.qc.ca fax: 418 643-4700.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

MONIQUE JÉRÔME-FORGET,  
*Minister of Finance*

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## Regulation respecting the time limit within which the Minister of Finance is to rule on an application for authorization to make a transaction

Financial Administration Act  
(R.S.Q., c. A-6.001, s. 77.7; 2007, c. 41, s. 2)

**1.** When a body applies for an authorization that is required under any of sections 77.1 to 77.4, 79 and 80 of the Financial Administration Act (R.S.Q., c. A-6.001), the Minister of Finance rules on the application within 3 business days following receipt of the application or, where applicable, authorization given by the Minister responsible for the administration of the Act governing the body.

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

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Health services and social services, An Act respecting... — Cost of work for public institutions and private institutions under agreement to be authorized by agencies . . . . . (R.S.Q., c. S-4.2)	5025	Draft
Implementation of the provisions regarding health in the agreements entered into by the Gouvernement du Québec with international organizations . . . . . (Loi sur le ministère de la Santé et des Services sociaux, R.S.Q., c. M-19.2)	5019	N
Infirmiers et infirmières — Diploma or training equivalence for the issue of a permit . . . . . (Professional Code, R.S.Q., c. C-26)	5014	N
Investments made by a body . . . . . (Financial Administration Act, R.S.Q., c. A-6.001)	5000	N
Midwives — Drugs that a midwife may prescribe or administer . . . . . (Midwives Act, R.S.Q., c. S-0.1)	5005	N
Midwives — Examinations and analyses that a midwife may prescribe, conduct or interpret . . . . . (Midwives Act, R.S.Q., c. S-0.1)	5011	N
Midwives Act — Midwives — Drugs that a midwife may prescribe or administer . . . . . (R.S.Q., c. S-0.1)	5005	N
Midwives Act — Midwives — Examinations and analyses that a midwife may prescribe, conduct or interpret . . . . . (R.S.Q., c. S-0.1)	5011	N
Minister of Finance — Time limit within the minister is to rule on an application for authorization to make a transaction . . . . . (Financial Administration Act, R.S.Q., c. A-6.001)	5049	Draft
Ministère de la Santé et des Services sociaux, Loi sur le... — Implementation of the provisions regarding health in the agreements entered into by the Gouvernement du Québec with international organizations . . . . . (R.S.Q., c. M-19.2)	5019	N
Occupational health and safety, An Act respecting the... — Safety Code for the construction industry . . . . . (R.S.Q., c. S-2.1)	5028	Draft
Parks Act — Parks . . . . . (R.S.Q., c. P-9)	5046	Draft
Parks . . . . . (Parks Act, R.S.Q., c. P-9)	5046	Draft
Professional Code — Dental hygienists — Code of ethics . . . . . (R.S.Q., c. C-26)	5017	M

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Professional Code — Infirmiers et infirmières — Diploma or training equivalence for the issue of a permit . . . . . (R.S.Q., c. C-26)	5014	N
Professional Code — Respiratory therapists — Diplomas giving access to permits . . . . . (R.S.Q., c. C-26)	5048	Draft
Respiratory therapists — Diplomas giving access to permits . . . . . (Professional Code, R.S.Q., c. C-26)	5048	Draft
Safety Code for the construction industry . . . . . (An Act respecting the occupational health and safety, R.S.Q., c. S-2.1)	5028	Draft
Tariffs for costs and fees payable . . . . . (Derivates Act, 2008, c. 24)	5025	Draft

