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Part

2

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Laws and Regulations

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Summary

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Contents

Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
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Coming into force of Acts

Gouvernement du Québec

O.C. 147-2010, 10 March 2010

An Act respecting Infrastructure Québec (2009, c. 53)

— Coming into force of the provisions of the Act

COMING INTO FORCE of the provisions of the Act respecting Infrastructure Québec

WHEREAS the Act respecting Infrastructure Québec (2009, c. 53) was assented to on 4 December 2009;

WHEREAS, under section 65 of the Act, the provisions of the Act come into force on the date or dates to be set by the Government, but not later than 31 March 2010;

WHEREAS it is expedient to set 17 March 2010 as the date of coming into force of all the provisions of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT 17 March 2010 be set as the date of coming into force of the Act respecting Infrastructure Québec (2009, c. 53).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9731

Gouvernement du Québec

O.C. 166-2010, 10 March 2010

An Act to amend the Securities Act and other legislative provisions (2006, c. 50)

— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act to amend the Securities Act and other legislative provisions (2006, c. 50)

WHEREAS the Act to amend the Securities Act and other legislative provisions (2006, c. 50) was assented to on 14 December 2006;

WHEREAS section 143 of the Act provides that the Act comes into force on 14 December 2006, except sections 2, 11, 16 to 24 and 26, paragraph 3 of section 28, paragraph 2 of section 30, sections 33 and 34, section 35 to the extent that it repeals sections 84 and 85 of the Securities Act (R.S.Q., c. V-1.1), sections 36 to 39, 41, 56 and 58, paragraphs 2, 3 and 4 of section 61, paragraph 1 of section 62, section 65, paragraph 2 of section 66, paragraphs 1 and 3 of section 67, section 68, paragraph 3 of section 70, section 71, paragraph 2 of section 72, sections 73 and 74, paragraphs 1 and 2 of section 78, sections 80, 88 and 89 and paragraphs 4, 5, 9, 10, 13 and 14 of section 108, which come into force on the date or dates to be set by the Government;

WHEREAS, by Order in Council 25-2008 dated 31 January 2008, paragraph 3 of section 28, paragraph 2 of section 30, section 36 to the extent that it enacts section 89 of the Securities Act (R.S.Q., c. V-1.1), section 41, paragraph 4 of section 61, paragraph 1 of section 62, paragraphs 1 and 3 of section 67, sections 68 and 71, paragraph 2 of section 72, sections 73 and 74, paragraphs 1 and 2 of section 78, section 80 and paragraphs 13 and 14 of section 108 came into force on 1 February 2008;

WHEREAS, by Order in Council 194-2008 dated 12 March 2008, sections 16 to 20, 23, 24 and 35 to the extent that it repeals sections 84 and 85 of the Securities Act (R.S.Q., c. V-1.1), paragraph 2 of section 61, paragraph 2 of section 66 and paragraph 5 of section 108 to the extent that it introduces paragraph 6.1 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1) came into force on 17 March 2008;

WHEREAS, by Order in Council 525-2008 dated 28 May 2008, sections 33 and 34, section 38 to the extent that it repeals section 99 of the Securities Act (R.S.Q., c. V-1.1), section 39, paragraph 3 of section 61, section 88 and paragraph 10 of section 108 came into force on 1 June 2008;

WHEREAS, by Order in Council 961-2009 dated 2 September 2009, paragraph 5 of section 108 of the Act to amend the Securities Act and other legislative provisions (2006, c. 50) to the extent that it introduces paragraph 6.2 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1) came into force on 28 September 2009;

WHEREAS it is expedient that sections 2, 36 to the extent that it enacts sections 89.1 to 89.3 of the Securities Act (R.S.Q., c. V-1.1), section 37, section 38 to the

extent that it repeals sections 100, 102 and 103 of the Securities Act (R.S.Q., c. V-1.1), sections 56 and 58 and paragraph 9 of section 108 of the Act to amend the Securities Act and other legislative provisions (2006, c. 50) come into force on 30 April 2010;

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

THAT sections 2, 36 to the extent that it enacts sections 89.1 to 89.3 of the Securities Act (R.S.Q., c. V-1.1), section 37, section 38 to the extent that it repeals sections 100, 102 and 103 of the Securities Act (R.S.Q., c. V-1.1), sections 56 and 58 and paragraph 9 of section 108 of the Act to amend the Securities Act and other legislative provisions (2006, c. 50) come into force on 30 April 2010.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 175-2010, 10 March 2010

**An Act to amend the Professional Code and other legislative provisions (2008, c. 11) (2009, c. 35)
— Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act to amend the Professional Code and other legislative provisions (2008, c. 11) and the Act to amend the Professional Code and other legislative provisions (2009, c. 35)

WHEREAS the Act to amend the Professional Code and other legislative provisions (2008, c. 11) was assented to on 5 June 2008;

WHEREAS, under section 227 of the Act, the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS, by Order in Council 938-2008 dated 1 October 2008, the coming into force of the Act was set on 15 October 2008, except sections 31, 58, paragraph 2 of section 118 and section 120, which came into force on 31 January 2009;

WHEREAS, by Order in Council 75-2009 dated 28 January 2009, the coming into force of paragraph 2 of section 118 and section 120 of the Act was postponed;

WHEREAS it is expedient to set 1 April 2010 as the date of coming into force of paragraph 2 of section 118 and section 120 of the Act;

WHEREAS the Act to amend the Professional Code and other legislative provisions (2009, c. 35) was assented to on 19 June 2009;

WHEREAS, under section 82 of that Act, the Act comes into force on 19 June 2009, except sections 19 and 20, which come into force on the date to be set by the Government;

WHEREAS it is expedient to set 1 April 2010 as the date of coming into force of sections 19 and 20 of that Act;

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

THAT 1 April 2010 be set as the date of coming into force of paragraph 2 of section 118 and section 120 of the Act to amend the Professional Code and other legislative provisions (2008, c. 11);

THAT 1 April 2010 be set as the date of coming into force of sections 19 and 20 of the Act to amend the Professional Code and other legislative provisions (2009, c. 35).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Regulations and other Acts

Gouvernement du Québec

O.C. 176-2010, 10 March 2010

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

Professions Tribunal

Regulation of the Professions Tribunal

WHEREAS the Professions Tribunal may, under section 184.2 of the Professional Code (R.S.Q., c. C-26), adopt the rules of practice it considers necessary to ensure proper compliance with sections 162 to 177.1 and 182.1 to 182.8 of the Code. The rules must be submitted to the Government, which may approve them with or without amendment;

WHEREAS, at their meeting of 2 December 2009, the members of the Professions Tribunal adopted the Regulation of the Professions Tribunal, which establishes the rules of practice of the Tribunal;

WHEREAS the Regulation of the Professions Tribunal replaces the Rules of practice of the Professions Tribunal, approved by the Government by Order in Council 967-96 dated 7 August 1996;

WHEREAS it is expedient to approve the Regulation of the Professions Tribunal, with amendments;

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

THAT the Regulation of the Professions Tribunal, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation of the Professions Tribunal

Professional Code
(R.S.Q., c. C-26, s. 184.2)

DIVISION 1 DEFINITIONS

1. The following definitions apply to this Regulation:

“authority” means a legislative or regulatory text, case law, doctrine, and any excerpt therefrom; (*source*)

“secretary” means the secretary of the disciplinary council, board of directors or executive committee, as the case may be. (*secrétaire*)

DIVISION 2 ADMINISTRATION OF THE TRIBUNAL

2. The office of the Tribunal is open on juridical days from Monday to Friday between 8:30 a.m. and 4:30 p.m.

The office is located at the seat of the Professions Tribunal at the Courthouse, 1, rue Notre-Dame Est, bureau 14.61, Montréal (Québec) H2Y 1B6.

3. The parties and their attorneys must promptly advise the clerk of the Tribunal of any change of address.

4. Subject to any order issued by the disciplinary council or a court, any person may consult a record of the Tribunal, but only in the presence of the clerk of the Tribunal.

The clerk of the Tribunal provides photocopies of the exhibits in the record at the expense of any person who requests them.

5. At least 30 days before the date of the hearing, the clerk of the Tribunal must send a copy of the roll to the attorneys and parties. A copy of the roll must also be posted at the office of the Tribunal.

DIVISION 3 PRELIMINARY OR INCIDENTAL MOTIONS

6. The applicant reserves the date and time of the presentation of a motion before the Tribunal with the clerk of the Tribunal.

7. Every motion must be served with a notice of presentation on the parties and the secretary at least 3 clear days before the presentation, except in case of an emergency, in which case the Tribunal may shorten the time limit.

The motion must also be filed with the office of the Tribunal within the same time limit.

The motion must be accompanied by all that is required for its consideration, namely proceedings, exhibits, depositions, minutes, judgments or excerpts therefrom, as well as the statutory or regulatory provisions cited, with

the exception of the Constitution Act, 1982 (R.S.C. 1985, App. II, No. 44), the Civil Code of Québec (1991, c. 64), the Code of Civil Procedure (R.S.Q., c. C-25) and the Professional Code (R.S.Q., c. C-26).

8. The notice of presentation indicates the date, time and room where the motion will be presented.

9. A party may apply to be exempted from filing paper copies of the documents that accompany the motion, or some of these documents, should all the parties to the motion consent that they be filed in computer format.

The application is made in writing and sent to the office of the Tribunal, with a copy to the other parties, and is decided by the Tribunal.

10. The sending of the respondent's written consent to the conclusions of a motion, with copies to the other parties and the secretary, excuses the parties and their attorneys from attending the presentation of the motion, unless the Tribunal determines otherwise and so notifies the parties and their attorneys.

11. As soon as possible before the presentation of the motion, the applicant must notify the clerk of the Tribunal in writing that the parties have consented to an adjournment, or that one of the parties will seek an adjournment on the day the motion is presented.

A motion may not be adjourned solely on the basis of the consent of the parties if there is less than one clear juridical day remaining before the scheduled date of presentation. The parties must then obtain authorization from the Tribunal.

12. A motion to have an appeal heard and decided by preference must be accompanied by a notice for which the clerk has previously determined the date and time of presentation.

The motion is presented to the chairperson of the Tribunal or to the judge designated by the chairperson.

DIVISION 4 DISCONTINUANCE OF PROCEEDINGS

13. A party who discontinues his or her motion for appeal must immediately so inform the clerk of the Tribunal and the secretary in writing.

DIVISION 5 PROCEEDINGS

14. All proceedings must be submitted on white paper of good quality, 21.5 cm by 28 cm in size.

However, for documents accompanying a motion, the paper may be 21.5 cm by 35.5 cm in size.

15. The title of a proceeding appearing on the back and on the first page indicates the status in the appeal of the party presenting the proceeding, followed by a precise reference to the legislation or regulation upon which it is based.

16. In every proceeding, the case heading must include, in the following order, the names of the appellant, of the respondent, of the other parties, where applicable, and of the secretary.

Under the name of each party, the position in appeal must be indicated in upper-case letters and, at first instance, in lower case letters.

The case heading must remain the same in all proceedings during the appeal.

17. All proceedings must bear the signature of the party or the party's attorney.

18. In the event of an amendment to a proceeding, additions or substitutions must be underlined or indicated in the margin by a vertical line, and deletions must be indicated by means of dots within brackets.

DIVISION 6 FACTUMS

19. The factum of each party must comprise an argument and 3 schedules.

20. The argument must contain 5 parts:

(1) Part I: FACTS

The appellant must state the facts succinctly.

The respondent must state its position with respect to the appellant's statement of facts and, if necessary, state any other facts deemed relevant;

(2) Part II: ISSUES IN DISPUTE

The appellant must set forth the issues in dispute concisely. The respondent must state its position concisely in regard to the issues the appellant raises and list any other issues to be argued;

(3) Part III: ARGUMENT

The parties must develop their arguments regarding the issues in dispute, with precise references to the schedules;

(4) Part IV: CONCLUSIONS

The parties must state precisely the conclusions sought, including with respect to costs;

(5) Part V: AUTHORITIES

The parties must draw a list of authorities for the case law and doctrine cited, arranged in the order in which they are cited in the argument and indicating the paragraphs at which they are mentioned.

21. The factum of the appellant must include 3 schedules:

(1) SCHEDULE I

It must include the decision appealed from or, if the decision was rendered orally, a transcript of the reasons;

(2) SCHEDULE II

It must include:

(a) the motion for appeal;

(b) the text of the statutory or regulatory provisions cited;

(3) SCHEDULE III

It must include only those exhibits and depositions or extracts therefrom that are necessary for the consideration of all the issues in dispute.

22. The parties may agree on a joint statement of the facts necessary to resolve the issues in dispute, rather than relying on the transcripts of the depositions and the exhibits. The joint statement must be inserted at the beginning of Schedule III of the appellant.

23. The schedules to the respondent's factum contain only documents that are not already included in the appellant's schedules and that are deemed necessary by the respondent for the consideration of the issues in dispute.

24. The format of the factum must comply with the following rules:

(1) the colour of the cover varies according to the party: yellow for the appellant, green for the respondent and grey for the other parties;

(2) the front cover must indicate:

(a) the record number assigned by the clerk;

(b) the names of the appellant, the respondent and, where applicable, the other parties, in that order; under the name of each party, that party's status in appeal is indicated in upper-case letters and the party's status in first instance is indicated in lower-case letters;

(c) identification of the factum according to the position of the party who files it; and

(d) the name of the attorney;

(3) the first volume of the factum must contain a general table of contents at the front and any subsequent volume must contain a general table of contents and a table of its contents;

(4) page numbers must be indicated in the upper left-hand corner of each page of the argument and at the top of each page of the schedules;

(5) each page must contain approximately 50 lines, numbered every 10 lines in the left margin;

(6) except with leave of the Tribunal, the argument must not exceed 30 pages in length;

(7) the text of the argument must have at least one and one-half spaces between the lines, with the exception of quotations, which must be single-spaced and indented. The font is equivalent to Arial 12 and there is no more than 12 characters per 2.5 cm;

(8) the paragraphs of the argument must be numbered;

(9) if there is more than one volume, the volume number and the sequence of pages contained therein must be indicated on the front cover and bottom edge of each volume.

The factum is presented on white paper of good quality, 21.5 cm by 28 cm in size.

25. Each exhibit or excerpt therefrom must begin on a new page with a heading indicating the date and, where possible, the nature and number of the exhibit. So far as possible, the exhibits must be reproduced in chronological order, rather than in the order of filing in first instance.

All exhibits included in the schedules must be legible. If they are illegible, they must be accompanied by a legible version. Photocopies of photographs must be permitted only if they are clear.

26. Each deposition or excerpt therefrom must begin on a new page with a heading setting out the witness's surname in upper-case letters, followed the first time only by parentheses containing the witness's given name, age and residence address. The heading must also contain the following information, listed in abbreviated form:

- (a) the name of the party who called the witness;
- (b) the fact that the testimony was not given at the hearing, if such is the case;
- (c) the stage of the hearing (case in chief, defence, rebuttal);
- (d) the stage of the examination (examination, cross-examination, re-examination).

Depositions or excerpts therefrom may be reproduced in a condensed format (4 pages in one), provided that the font is equivalent to Arial 10 and that each page contains a maximum of 23 lines numbered in the left margin.

27. The factum must be bound so that the pages of the argument and of Schedule I are printed only on the left and the pages of Schedules II and III are printed on both sides.

Each volume contains no more than 200 sheets of paper.

28. All parties may file a book of authorities, in which the relevant excerpts are highlighted. The pages of this book may be printed on both sides.

The book of authorities may be limited to relevant excerpts of authorities. In such case, the pages immediately preceding and immediately following the excerpts must also be reproduced, as well as the citation and the summary of the decision for case law.

The book of authorities may also be accompanied by a CD-ROM or other computer format containing the complete text of the authorities.

The texts used in a book of authorities, whether partial or complete, must be in Word format, when that format is available.

29. The book of authorities must be served on all the other parties and filed at the office of the Tribunal, in quadruplicate, at least 30 days before the date fixed for the hearing of the appeal or, in the case of a motion, at least one clear day before the hearing.

If the motion is intended for a single judge, only one copy of the book of authorities need be filed.

30. The Tribunal may authorize the filing of certain factum documents in computer format rather than on paper when all parties to the appeal consent.

The parties file their argument on paper, together with the documents forming Schedule I as well as those parts of the documents forming Schedules II and III and to which they have referred specifically in their respective argument.

The complete texts of the documents are then filed on a CD-ROM or any other computer format that at a minimum has a keyword search capacity and, when possible, hyperlink connections between the table of contents and the proceedings, exhibits and depositions.

DIVISION 7 HEARINGS OF THE TRIBUNAL

31. The hearings of the Tribunal begin at 9:30 a.m. or at any other time fixed by the Tribunal.

However, the Tribunal may excuse the parties and their attorneys from being present at the opening of the hearing and convene them at a different time for the hearing.

32. Cases are pleaded in the order in which they appear on the roll, unless the Tribunal decides otherwise.

33. If a party fails to appear on the day and at the time established for the hearing, the Tribunal may hear only the parties present and adjudicate the case without hearing the absent party, or adjourn the hearing on conditions deemed appropriate, in particular with respect to costs.

34. When the circumstances are appropriate and the parties so consent, the Tribunal may hear the motion by telephone conference.

35. The court usher announces the opening and termination of sittings of the Tribunal and sittings of the judge and remains present for the entire hearing, unless otherwise permitted.

36. The persons present at the hearing must rise when the single judge or members of the Tribunal enter the room and remain standing until they are seated.

Once the single judge or the members of the Tribunal are seated, the court usher or the court clerk asks those present to be seated.

When the single judge or members of the Tribunal leave their seat, the court usher or the court clerk asks those present to rise again, and no one may leave their seat until the single judge or members of the Tribunal have left the room.

37. No attorney may address the Tribunal unless he or she is wearing a gown, white collar and bands and dark clothing.

The same rule, except for the white collar and bands, applies to articling students.

Before a single judge, the wearing of a gown is not required. All attire, however, must be simple and unadorned.

Any other person who appears before the Tribunal must be suitably dressed.

38. Anything that interferes with the decorum and good order of the Tribunal is prohibited.

The following, among other things, is prohibited: reading of newspapers, practice of photography or cinematography, making of audio or video recordings, radio broadcasting, television broadcasting, and the use of pagers, cellular telephones and other audible devices.

The Tribunal may take any measure required to ensure the proper administration of justice, the serenity of hearings and respect for the rights of the parties and their attorneys.

39. During the hearing, no person may discuss with anyone else, address the clerk or consult a record, unless the judge permits otherwise.

DIVISION 8 CASE MANAGEMENT

40. When required by the nature, character or complexity of the proceeding, the chairperson of the Tribunal may, on his or her initiative or on request, order special case management. In such a case, the chairperson or the judge designated by the chairperson sees to the orderly conduct of the proceeding.

DIVISION 9 IMPROPER USE OF PROCEDURE

41. Where the Tribunal intends to exercise on its own initiative the powers provided for in Section III of Chapter III of Title II of Book I of the Code of Civil Procedure regarding the power to impose sanctions for improper use of procedure, the clerk of the Tribunal sends to the person concerned, by registered mail or any other appropriate means, with a copy to the other parties to the case, a notice informing the person of the day on which the person may be heard by the Tribunal.

42. Where the Tribunal has, in accordance with article 54.5 of the Code of Civil Procedure, prohibited a person from instituting legal proceedings except with the authorization of the chairperson of the Tribunal, the application for authorization must be accompanied by that decision and the proposed legal proceeding.

DIVISION 10 TRANSITIONAL PROVISIONS

43. This Regulation replaces the Rules of practice of the Professions Tribunal, made by Order in Council 967-96 dated 7 August 1996.

44. This Regulation comes into force on 1 April 2010.

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Gouvernement du Québec

O.C. 184-2010, 10 March 2010

An Act respecting the Québec correctional system (R.S.Q., c. S-40.1)

Conditional release — Amendments

Regulation to amend the Regulation respecting conditional release

WHEREAS, under subparagraphs 28 and 29 of the first paragraph of section 193 of the Act respecting the Québec correctional system (R.S.Q., c. S-40.1), the Government may, by regulation, determine the regions for the appointment of the community members of the Commission québécoise des libérations conditionnelles and establish rules of procedure for the application of Chapter IV respecting the parole board;

WHEREAS the Government made the Regulation respecting conditional release by Order in Council 7-2007 dated 16 January 2007;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting conditional release was published in Part 2 of the *Gazette officielle du Québec* of 23 June 2009 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 without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting conditional release, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting conditional release*

An Act respecting the Québec correctional system (R.S.Q., c. S-40.1, s. 193, 1st par., subpars. 28 and 29)

1. The Regulation respecting conditional release is amended in section 1

(1) by replacing “11” in the first sentence of the part preceding paragraph 1 by “8”;

(2) by replacing paragraphs 4 to 11 by the following:

“(4) Region 4: administrative regions 04 (Mauricie), 05 (Estrie) and 17 (Centre-du-Québec);

(5) Region 5: administrative regions 06 (Montréal), 13 (Laval), 14 (Lanaudière), 15 (Laurentides) and 16 (Montérégie);

(6) Region 6: administrative region 07 (Outaouais);

(7) Region 7: administrative regions 08 (Abitibi-Témiscamingue) and 10 (Nord-du-Québec); and

(8) Region 8: administrative region 09 (Côte-Nord).”.

2. Section 3 is amended

(1) by inserting “main” in paragraph 4 before “reason”;

(2) by striking out paragraph 7.

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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Gouvernement du Québec

O.C. 223-2010, 17 March 2010

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

COMING INTO FORCE of a provision of the Regulation respecting the specialized medical treatments provided in a specialized medical centre

WHEREAS the Minister of Health and Social Services made, by Minister’s Order 2008-08 dated 18 June 2008, the Regulation respecting the specialized medical treatments provided in a specialized medical centre;

WHEREAS, by Minister’s Order 2008-017 dated 12 December 2008, the Minister postponed the coming into force of the Regulation to 30 September 2009;

WHEREAS, since 19 June 2009, section 333.1 of the Act respecting health services and social services (R.S.Q., c. S-4.2) provides that the power to determine the specialized medical treatments provided in a specialized medical centre is vested in the Government;

WHEREAS, by Order in Council 1029-2009 dated 23 September 2009, the Government postponed the coming into force of the Regulation to 31 March 2010;

WHEREAS consultations are due to begin on 24 March 2010 about the draft Regulation to amend the Regulation respecting the specialized medical treatments provided in a specialized medical centre with a view to removing the interruption of pregnancy from the list of specialized medical treatments listed in Part I of the Schedule to the Regulation;

WHEREAS it is expedient to postpone the coming into force of one of the provisions of the Regulation;

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

THAT the date of coming in to force of paragraph 2 of Part I of the Schedule to the Regulation respecting the specialized medical treatments provided in a specialized medical centre be postponed until the date of coming into force of the Regulation to amend the Regulation respecting the specialized medical treatments provided in a specialized medical centre.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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* The Regulation respecting conditional release, made by Order in Council 7-2007 dated 16 January 2007 (2007, G.O. 2, 94A), has not been amended since it was made.

Gouvernement du Québec

Agreement

Election Act
(R.S.Q., c. E-3.3)

AGREEMENT CONCERNING THE TESTING OF NEW POLLING FORMALITIES

BETWEEN

MR. JEAN CHAREST, LEADER OF THE QUÉBEC
LIBERAL PARTY, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MS. PAULINE MAROIS, LEADER OF THE PARTI
QUÉBÉCOIS, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. GÉRARD DELTELL, LEADER OF THE
ACTION DÉMOCRATIQUE DU QUÉBEC, AN
AUTHORIZED PARTY REPRESENTED IN THE
NATIONAL ASSEMBLY

AND

MR. BENOIT RENAUD, LEADER OF QUÉBEC
SOLIDAIRE, AN AUTHORIZED PARTY
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR. MARCEL BLANCHET IN HIS CAPACITY AS
THE CHIEF ELECTORAL OFFICER OF QUÉBEC

WHEREAS pursuant to section 312.1 of the Election Act, an identity verification panel is established where more than one polling station is located;

WHEREAS an identity verification panel is composed of three members, including a chairman appointed by the returning officer and two other members appointed on the recommendation of the candidates of authorized parties whose candidates came first and second during the previous election;

WHEREAS the function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 337 of the Election Act;

WHEREAS, since the introduction of the requirement that electors must use one of the prescribed documents to identify themselves for the purpose of exercising their right to vote, very few electors appear before the identity verification panel to have their identity verified;

WHEREAS, further to an agreement entered into the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, the duty of the member of the identity verification panel, other than that of the chairman, has been performed by the deputy returning officer and the poll clerk during the by-election of September 21, 2009, in the electoral division of Rousseau.

WHEREAS the plurality of the duties performed by the election officers did not cause difficulty and the tryout was conclusive.

WHEREAS the Chief Electoral Officer would like to avail himself of section 489 of the Election Act in order to recommend to the leaders of the authorized parties represented in the National Assembly to have the duty of the member of the identity verification panel, other than that of the chairman, performed by the deputy returning officer and the poll clerk during the by-election in the electoral division of Vachon and of any other by-election ordered by government writ by the holding of the next general election;

WHEREAS the recommendation of the Chief Electoral Officer has been accepted by the four leaders of authorized parties represented at the National Assembly;

WHEREAS section 489 of the Election Act states that when the recommendation of the Chief Electoral Officer is accepted by the party leaders, an agreement must be signed in this respect by these party leaders and the Chief Electoral Officer;

WHEREAS this agreement has force of law.

CONSEQUENTLY, THE PARTIES AGREE AS FOLLOWS:

1. PREAMBLE

The preamble to this agreement forms an integral part of this agreement.

2. PURPOSE OF THE AGREEMENT

The purpose of the present agreement is to have the duty of member of the identity verification panel, other than the chairman, performed by the deputy returning officer and the poll clerk during the by-election in the electoral division of Vachon and of any other by-election ordered by government writ by the holding of the next general election.

3. AMENDMENTS OF THE ELECTION ACT

3.1 Section 307 of the Election Act is amended by striking out the second paragraph;

3.2 Section 308 of the Act is amended by replacing “members” in the second line by “chairmans”;

3.3 Section 312.1 of the Act is replaced by the following section :

“312.1. An identity verification panel, composed of three members, is established by the returning officer.

The deputy returning office and the poll clerk act as panel members. The chairman is appointed by the returning officer.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 337. Decisions are made by a majority vote.”

3.4 Section 313 of the Act is amended by replacing “members”, in the third line of the first paragraph, by “chairmans”.

3.5 Section 328 of the Act is amended by replacing “members”, in the second line of the first paragraph, by “chairman”.

3.6 Section 335.2 of the Act is amended by replacing “in the register kept by”, in subparagraph 2 of the first paragraph and in subparagraph *b* of subparagraph 3 of the first paragraph, by “before”.

3.7 Section 335.4 of the Act is repealed.

3.8 Section 490 of the Act is amended by adding the following paragraph:

“The present section applies to an agreement made between the leaders of the authorized parties represented in the National Assembly and the chief electoral officer in accordance with section 489.”

4. AMENDMENTS OF THE ELECTION REGULATIONS

4.1 Division IV.1 of the Regulation respecting the determination of the candidates entitled to recommend certain election officers is repealed.

4.2 Section 2 of the Regulation respecting the tariff of remuneration and expenses of election officers is amended by striking out subparagraph 17.

4.3 Section 4 of the Voting Regulation is amended by striking out “, the identity verification panel members”.

5. APPLICATION OF THE AGREEMENT

The Chief Electoral Officer, the returning officer of the electoral division of Vachon and the returning officer of any other electoral division where a by-election will have been ordered by the holding of the next general election are responsible for the application of the present agreement.

6. EVALUATION REPORT

Within 90 days following the date of the by-elections referred to in the present agreement, the Chief Electoral Officer shall transmit to the leaders of the political parties represented at the National Assembly, a report covering the following points:

— election preparations related to the present agreement;

— the advantages and disadvantages encountered in applying the present agreement;

— recommended amendments to the provisions of the Election Act, if any.

7. EFFECT OF THE AGREEMENT

The present agreement takes effect on the date on which the last signature is affixed on this agreement.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED, IN FIVE COPIES,

In Québec, on 24 February 2010

JEAN CHAREST
Leader of the Québec Liberal Party

In Québec, on 9 march 2010

PAULINE MAROIS
Leader of the Parti Québécois

In Québec, on 1 March 2010

GÉRARD DELTELL

Leader of the Action démocratique du Québec

In Gatineau, on 4 March 2010

BENOIT RENAUD

Leader of Québec solidaire

In Québec, on 1 March 2010

MARCEL BLANCHET

Chief Electoral Officer of Québec

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Draft Regulations

Draft Regulation

An Act respecting clinical and research activities related to assisted procreation (2009, c. 30)

Clinical activities related to assisted procreation

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 clinical activities related to assisted procreation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation prescribes standards and conditions governing assisted procreation clinical activities, as well as conditions for the issue or renewal of a licence to operate a centre for assisted procreation.

In particular, the Regulation specifies the assisted procreation clinical activities that may take place elsewhere than in a centre for assisted procreation, as well as the number of embryos that may be transferred into a woman.

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

Further information on the draft Regulation may be obtained by contacting Jeannine Auger, Direction générale des services de santé et de médecine universitaire, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1S 2M1; telephone: 418 266-5827; fax: 418 266-4605; e-mail: jeannine.auger@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^e étage, Québec (Québec) G1S 2M1.

YVES BOLDUC,
Minister of Health and Social Services

Regulation respecting clinical activities related to assisted procreation

An Act respecting clinical and research activities relating to assisted procreation (2009, c. 30)

1. This Regulation applies only to clinical activities related to assisted procreation.

DIVISION I LICENCE

2. A physician referred to in section 4 of the Act respecting clinical and research activities relating to assisted procreation (R.S.Q., c. A-5.01) who applies for a licence for the class of clinical activities to operate a centre for assisted procreation must

- (1) be solvent;
- (2) not have been found guilty, in the 3 years preceding the application, of an offence against the Act;
- (3) not have been the holder of a licence that, in the 3 years preceding the application, was revoked or not renewed under section 32 of the Act;
- (4) not have been found guilty of a criminal offence in connection with the performance of activities for which a licence is applied for in the 5 years preceding the application or, if so, a pardon was granted;
- (5) not have had his or her right to practise medicine limited or suspended or been temporarily struck off the roll in the 3 years preceding the application in connection with clinical activities related to the application;
- (6) have a liability insurance contract in the amount of not less than \$1,000,000 per claim providing coverage against the pecuniary consequences of the liability the physician may incur for fault or negligence committed while operating the centre for assisted procreation, and undertake to maintaining such a contract in force for the entire term of the licence; and
- (7) have entered into a service agreement with an institution operating a hospital centre referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) so that a person who requires medico-surgical and obstetrical services by reason of an assisted procreation activity may be directed there.

3. A licence application made by a physician referred to in section 2 must be accompanied by the physician's membership number at the Collège des médecins du Québec and by proof that the physician has an insurance contract provided for in paragraph 6 of that section and has entered into an agreement provided for in paragraph 7 of that section.

4. A legal person or partnership referred to in section 4 of the Act that applies for a licence for the class of clinical activities to operate a centre for assisted procreation must

(1) be solvent;

(2) not, nor must any of its directors, have been found guilty of an offence against the Act in the 3 years preceding the application;

(3) not have been the holder of a licence that, in the 3 years preceding the application, was revoked or not renewed under section 32 of the Act;

(4) not, nor must any of its directors, have been found guilty of a criminal offence in connection with the performance of activities for which a licence is applied for in the 5 years preceding the application or, if so, a pardon was granted;

(5) not have any physician sitting on the board of directors or on the internal management board who has had his or her right to practise medicine limited or suspended or been temporarily struck off the roll in the 3 years preceding the application in connection with clinical activities related to the application;

(6) have a liability insurance contract in the amount of not less than \$1,000,000 per claim providing coverage against the pecuniary consequences of the liability it may incur for fault or negligence committed while operating the centre for assisted procreation, and undertake to maintaining such a contract in force for the entire term of the licence; and

(7) have entered into a service agreement with an institution operating a hospital centre referred to in the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons so that a person who requires medico-surgical and obstetrical services by reason of an assisted procreation activity may be directed there.

5. An application for a licence made by a legal person or a partnership referred to in section 4 must be accompanied by

(1) a resolution from the board of directors or the internal management board authorizing the filing of a licence application;

(2) a copy of the constituting act or contract of partnership;

(3) the name and address of every shareholder or partner referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act, the percentage of their shares in the legal person or partnership and the voting rights attached to the shares;

(4) the name and profession of the members of the board of directors or the internal management board;

(5) the membership number at the Collège des médecins du Québec of any physician referred to in paragraph 3 or 4;

(6) proof that the legal person or partnership has an insurance contract provided for by paragraph 6 of section 4; and

(7) proof that the legal person or partnership has entered into an agreement provided for in paragraph 7 of section 4.

6. An institution referred to in section 3 of the Act that applies for a licence to operate a centre for assisted procreation must hold a permit issued under the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons and provide a resolution from its board of directors authorizing the filing of a licence application.

7. A licence application made by a physician, a legal person, a partnership or an institution must also be accompanied by

(1) the name under which the centre intends to carry on activities;

(2) the name of the centre's director;

(3) the names of the physicians who will carry on assisted procreation activities in the centre, their specialty and their status as professionals subject to the application of an agreement or as non-participating professionals;

(4) a description of how the centre is organized and a list of the various specialties of staff members involved in the centre's clinical activities; and

(5) the state of the accreditation and, where applicable, the assessment report provided by the accreditation body.

8. A licence application must state the clinical activities that the centre intends to engage in.

9. A centre for assisted procreation for which a licence is required under the Act must group together either exclusively physicians subject to the application of an agreement entered into under section 19 of the Health Insurance Act (R.S.Q., c. A-29), or exclusively non-participating physicians within the meaning of that Act.

10. An application for renewal of the licence of a centre for assisted procreation must be made at least 6 months before the licence's date of expiry.

A permit holder seeking renewal must fulfil requirements and provide the documents and information provided for in section 2, 3, 4, 5, 6, 7, 8 or 9, as the case may be, except those already provided to the Minister if the applicant certifies that they are complete and accurate.

11. A licence holder must apply for a licence modification in the event of

(1) a change in the legal status of the centre; or

(2) a planned change of activities since the licence was issued.

The second paragraph of section 10 applies to an application for a licence modification.

12. A centre for assisted procreation must inform without delay the Minister in writing of any change in the state of the centre's accreditation.

13. The fees payable for the issue or renewal of a licence to operate a centre for assisted procreation to a physician, a legal person or partnership are \$1,500.

14. Beginning 1 January 2011, the fees payable under section 13 are adjusted on 1 January of each year based on the percentage change, in relation to the preceding year, in the Consumer Price Index for Canada, as published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19). For that purpose, the Consumer Price Index for a year is the annual average calculated from the monthly indexes for the 12-month period ending on 30 September of the preceding year.

If the amounts obtained contain a fraction of a dollar, that fraction is cancelled. The amount is then rounded down to the nearest 10 dollars if the last figure is lower than 5, or rounded up to the nearest 10 dollars in all other cases.

The Minister is to inform the public of the adjustment under this section through Part 1 of the *Gazette officielle du Québec* or by such other means as the Minister considers appropriate.

DIVISION II CONDITIONS AND STANDARDS GOVERNING ASSISTED PROCREATION CLINICAL ACTIVITIES

15. In addition to the obligations provided for in the Act, the director of a centre for assisted procreation must

(1) see that all information, including consents and expressions of intention, are adequately kept by the centre;

(2) see that the privacy of personal information held by the centre is preserved and require a written undertaking to that effect from each staff member;

(3) ensure that the information and documents provided for in the Act are sent to the Minister; and

(4) approve any use of biological material derived from assisted procreation and any transfer of such material to a physician or another centre.

16. The assisted procreation clinical activities referred to in section 2 of the Act that may be carried out outside a centre for assisted procreation are the following:

(1) the prescription of ovulatory stimulants or ovulation induction;

(2) folliculograms;

(3) sperm sampling and treatment for insemination purposes;

(4) sperm freezing and storage; and

(5) artificial insemination.

17. Following an *in vitro* fertilization activity, only one embryo may be transferred into a woman.

However, taking into account the quality of embryos, a physician may decide to transfer a maximum of 2 embryos if the woman is 36 years of age or under and a maximum of 3 embryos if the woman is 37 years of age or over.

18. A preimplantation genetic diagnosis may be made on embryos only for the purpose of identifying serious monogenic diseases and chromosomal abnormalities.

19. At every stage of all assisted procreation activities, a free and enlightened consent must be given in writing, particularly from

- (1) the donor, in the case of gamete donation;
- (2) the person who undergoes the intervention, in the case of any clinical intervention relating to assisted procreation, particularly ovarian stimulation, egg retrieval or embryo transfer;
- (3) the person to whom the gametes belong, the woman for whom the embryos were intended and any spouse, in cases involving assisted procreation activities relating to gamete or embryo cryoconservation and their storage;
- (4) the woman for whom the embryo was intended and not transferred into her and any spouse, in cases of embryo donation for a parental project or research purposes; and
- (5) the person concerned by the research project, in the case of a research project relating to assisted procreation activities, other than a research project involving embryos.

Such consent is also required where gametes or embryos are disposed of, from the person to whom the gametes belong or from the woman for whom the embryos were intended and from any spouse.

For the purposes of this Regulation, “spouse” means the spouse who is a party to the parental project.

20. Prior to any consent required for an assisted procreation activity, a person must be informed by a physician or a health professional of

- (1) the adverse effects of the clinical intervention and the related risks, in particular risks of multiple pregnancy and the person’s own morbidity risks;
- (2) the procedures and their rates of success;
- (3) the possibility that the number of eggs and embryos exceeds the person’s and any spouse’s needs and of the necessity to plan what will become of them;
- (4) the possibility, for the person and any spouse, of withdrawing their consent and of the situations in which it will no longer be possible;
- (5) the necessity to obtain the spouse’s consent before disposing of an embryo, in particular for a parental project or for research purposes;

(6) the fact that gamete donation may involve a use for clinical or research purposes;

(7) the necessity for the person and any spouse to express their intents should death, the dissolution of the union or disagreement occurs;

(8) the fact that the centre will dispose of unused biological material should the person and any spouse fail to establish contact, after the time period provided for in section 24;

(9) the fact that the biological material will always be used according to the intents expressed, provided that the person and any spouse remain in contact with the centre during the determined period and pay the conservation fees, where applicable;

(10) the physician’s obligation to declare information on the treatment in order to provide surveillance of the health of persons who resorted to assisted procreation activities and of the children born of such activities;

(11) the possibility of long-term follow-up of *in vitro* fertilization activities, which involves that the person could be contacted again from time to time after the end of activities; and

(12) the availability of psychological support at the centre.

21. Where gametes have not been used or embryos not transferred, the gamete donor or the woman for whom the embryos were intended and any spouse must express their intent in writing regarding the donation, conservation or disposal of those gametes or embryos, in case of death, dissolution of the union, disagreement or where the woman is no longer of childbearing age or no longer has the physical capacity to bear children.

The persons referred to in the first paragraph may decide to change their previously expressed intents at all times, in writing.

22. The consents referred to in section 19 and the intents expressed in accordance with section 21 must be filed in the record of the person who resorted to assisted procreation activities and be kept by the centre for assisted procreation.

23. A person and any spouse must contact the centre for assisted procreation at least once a year to express their intents again regarding the conservation or disposal of those gametes or embryos, for as long as the gametes or embryos are conserved. Those persons must also inform the centre of any change of address.

24. Should the persons referred to in section 23 fail to make contact for more than 5 years, a centre for assisted procreation may conserve, donate, transfer or dispose of those persons' gametes or embryos in a manner that is acceptable in terms of ethics and recognized by the Minister.

25. A centre for assisted procreation may transfer eggs, sperm or embryos to another centre for assisted procreation or, in the case of sperm transfer, to a physician, for clinical or research purposes, provided that

(1) the applicant for biological material has provided his or her name and contact information, the date of the application and the expected date of transfer, the purpose, the identity of the physician responsible for using the material in a clinical environment or of the person responsible for the research project, the type of material requested and the quantity and state of that material;

(2) the centre's director ensured that the biological material will be used only for the purposes of a parental or research project approved by a committee on ethics recognized by the Minister; and

(3) the donors of biological material consented to the purpose for which the transfer will be made.

The director must record the information in the application and the information related to the transfer, in particular the name and contact information of the physician or centre that receives the eggs, sperm or embryos, the date of the application and the effective date of transfer, the purpose, the identity of the physician responsible for using the material in a clinical environment or of the person responsible for the research project, the type of material transferred and the quantity and state of that material.

That information must be kept within the centre permanently so as to ensure the traceability of biological material at all times.

26. Every centre for assisted procreation must, following an *in vitro* fertilization activity, gather information enabling it to know the fertilization results, particularly a birth, and send that information to the Minister in accordance with the Public Health Act (R.S.Q., c. S-2.2).

27. The annual report sent to the Minister by a centre for assisted procreation must contain and be accompanied, where applicable, by the following information and documents:

- (1) the name of the centre;
- (2) the state of the accreditation;

(3) the number of patients, the type and number of treatments administered;

(4) the distribution of treatments for each person and each of the centre's clinical activities;

(5) the number of multiple pregnancies and their type, in particular twins and triplets;

(6) detail about the type, state and quantity of biological material transferred to a physician or another centre, including the name of the physician or centre, the person in charge and the purpose for which the material was transferred; and

(7) the number of persons per sector of activity;

28. 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 Regulation

Health Insurance Act
(R.S.Q., c. A-29)

Regulation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Health Insurance Act, appearing below, may be made by the Government on the expiry of 45 days following the date of this publication.

The purpose of the proposed amendment is to consider as services insured under the Health Insurance Act (R.S.Q., c. A-29) certain assisted procreation services. As a result, infertile persons who wish to have one or more children will have easier access to those services.

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

Further information may be obtained by contacting Michel Paquette, Régie de l'assurance maladie du Québec, 1125, Grande Allée Ouest, dépôt 84, Québec (Québec) G1S 1E7; telephone: 418 682-5172; fax: 418 643-7312.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the undersigned, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

YVES BOLDUC,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the application of the Health Insurance Act*

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 1st par., subpar. *e* and s. 69, 1st par., subpar. *c.2*; 2009, c. 30, ss. 46 and 48)

1. The Regulation respecting the application of the Health Insurance Act is amended in section 22 by adding “; or is required for the purposes of medically assisted procreation in accordance with section 34.4 or 34.5 or 34.6” at the end of paragraph *q*.

2. The following is inserted after section 34.2:

“DIVISION XII.2 MEDICALLY ASSISTED PROCREATION SERVICES

34.3. For the purposes of this Division,

“frozen embryo” means a frozen embryo produced by *in vitro* fertilization insured under subparagraph *d* of the first paragraph of section 34.4 or an embryo already frozen before the coming into force of that section; (embryon congelé)

“modified natural cycle” means a cycle being stimulated by medication to obtain only one egg; (cycle naturel modifié)

“natural cycle” means a cycle in which ovulation occurs spontaneously, without being stimulated by medication; (cycle naturel)

“natural cycle IVF” means *in vitro* fertilization following the retrieval of an egg obtained during a natural cycle; (FIV sur cycle naturel)

“stimulated cycle” means a cycle stimulated by medication to increase the number of eggs; (cycle stimulé)

“stimulated cycle IVF” means *in vitro* fertilization following the retrieval of eggs obtained during a stimulated cycle. (FIV sur cycle stimulé)

34.4 The assisted procreation services listed below and rendered in a centre for assisted procreation that holds a licence issued in accordance with the Regulation respecting clinical activities related to assisted procreation, made by Order in Council xxxx-xxxx- dated xxxxxxxx, by a physician who practises at the centre must be considered as insured services for the purposes of subparagraph *e* of the first paragraph of section 3 of the Act, up to a live birth or after each live birth, for one of the following options determined by the physician, that is, 1 stimulated or modified natural cycle IVF and 4 natural cycle IVFs, or 2 stimulated or modified natural cycle IVFs and 2 natural cycle IVFs, or 3 stimulated or modified natural cycle IVFs or 6 natural cycle IVFs:

(a) the services required to retrieve sperm by medical intervention, including percutaneous epididymal sperm aspiration and surgical or micro-surgical testicular sperm extraction;

(b) the services required to retrieve eggs or ovarian tissue;

(c) the services required for *in vitro* maturation;

(d) the services required for *in vitro* fertilization, including assisted hatching services, sperm microinjection (ICSI) services and the services required for preimplantation genetic diagnosis to identify serious monogenic diseases or chromosomal abnormalities;

(e) the services required to transfer 1 fresh embryo or, in accordance with the decision of the physician having considered the quality of the embryos, a maximum of 2 fresh embryos, in the case of a woman 36 years of age or under, and 3 fresh embryos, in the case of a woman 37 years of age or over.

The services referred to in the first paragraph are insured only to the extent that no quality frozen embryo is available for a transfer. However, after 1 live birth obtained following an IVF referred to in the first paragraph, the transfer of frozen embryos, determined according to the conditions referred to in subparagraph *b* of the first paragraph of section 34.5, is considered as a stimulated or modified natural cycle IVF insured under this section.

* The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1) was last amended by the regulation made by Order in Council 894-2009 dated 12 August 2009 (2009, G.O. 2, 3165). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

34.5. The assisted procreation services listed below and rendered in a centre for assisted procreation that holds a licence issued in accordance with the Regulation respecting clinical activities related to assisted procreation by a physician who practises at the centre must be considered as insured services for the purposes of subparagraph *e* of the first paragraph of section 3 of the Act:

(a) in the case of egg donations, the services required to retrieve eggs or ovarian tissue;

(b) the services required, including cryopreservation, to transfer 1 frozen embryo or, in accordance with the decision of the physician having considered the quality of the embryos, a maximum of 2 frozen embryos, in the case of a woman 36 years of age or under, and 3 frozen embryos, in the case of a woman 37 years of age or over.

All quality frozen embryos must be transferred before the services referred to in the first paragraph of section 34.4 are insured. However, after 1 live birth obtained following an IVF referred to in that section, the transfer of frozen embryos, determined according to the conditions referred to in subparagraph *b* of the first paragraph, is considered as a stimulated or modified natural cycle IVF insured under the first paragraph of section 34.4.

34.6. The assisted procreation services listed below and rendered by a physician must be considered as insured services for the purposes of subparagraph *e* of the first paragraph of section 3 of the Act:

(a) the services required for ovarian stimulation or ovulation induction;

(b) the services required for artificial insemination, including retrieval of sperm by medical intervention;

(c) the services required for freezing and storing sperm.”.

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

9729

Draft Regulation

An Act respecting off-highway vehicles
(R.S.Q., c. V-1.2)

Motorized all-terrain vehicles

— Operation on a portion of Rue Perreault Est under the management of the Minister of Transport

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., R-18.1), that the Regulation to allow the operation of motorized all-terrain vehicles on a portion of rue Perreault Est under the management of the Minister of Transport, appearing below, may be made by the Minister for Transport on the expiry of 45 days following this publication.

The draft Regulation allows the operation of motorized all-terrain vehicles on a portion of Rue Perreault Est in the territory of Ville de Rouyn-Noranda.

Further information on the draft Regulation may be obtained by contacting Yves Coutu, Director, Direction de l’Abitibi-Témiscamingue, Ministère des Transports du Québec, 80, avenue Québec, Rouyn-Noranda (Québec) J9X 6R1; telephone: 819 763-3237, extension 450; fax: 819 763-3493; e-mail: yves.coutu@mtq.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 for Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

NORMAN MACMILLAN,
Minister for Transport

Regulation to allow the operation of motorized all-terrain vehicles on a portion of Rue Perrault Est under the management of the Minister of Transport

An Act respecting off-highway vehicles
(R.S.Q., c. V-1.2, ss. 11, 2nd par., subpar. (6) and 47)

1. The operation of motorized all-terrain vehicles referred to in subparagraph 2 of the first paragraph of section 1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2) is allowed on a portion of Rue Perreault (22278-03-020), situated in the territory of Ville de Rouyn-Noranda (86042), over a distance of 4,248 metres, from chaining 0 + 000 to chaining 4 + 248.

2. Subject to road signs complying with regulatory standards, the operation of motorized all-terrain vehicles on the road portion described in section 1 is allowed from 1 December to 30 April of each year.

3. The driver of a motorized all-terrain vehicle must comply with the traffic rules that apply on that road portion under the Highway Safety Code (R.S.Q., c. C-24.2).

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on the fifteenth day following the day of the second anniversary of that publication.

9726

Draft Regulation

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

Specialized medical treatments

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 specialized medical treatments provided in a specialized medical centre, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation removes interruption of pregnancy from the list of medical treatments listed in Part 1 of the Schedule to the Regulation respecting the specialized medical treatments provided in a specialized medical centre.

The draft Regulation has no impact on the public and enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Jeannine Auger, 1075, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1S 2M1; telephone: 418 266-5827; fax: 418 266-4605; e-mail: jeannine.auger@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^e étage, Québec (Québec) G1S 2M1.

YVES BOLDUC,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the specialized medical treatments provided in a specialized medical centre*

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 333.1, 1st par.)

1. The Regulation respecting the specialized medical treatments provided in a specialized medical centre is amended by striking out paragraph 2 of Part I of the Schedule.

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

9739

Draft Regulation

Private Security Act (R.S.Q., c. S-3.5)

Training required to obtain an agent licence to carry on private security activities

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 training required to obtain an agent licence to carry on private security activities, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the training required from a person who applies for an agent licence to carry on certain private security activities. It provides that the Bureau de la sécurité privée may issue an agent licence to a person not meeting the training requirements where the person's level of knowledge and skills is equivalent to the training required. It also contains exemptions and a transitional measure for persons who carry on private security activities on the date of coming into force of the Regulation.

Further information may be obtained by contacting Sylvain Ayotte, director of inspection, consulting services and support, 2525, boulevard Laurier, 7^e étage, Québec (Québec) G1V 2L2; telephone: 418 643-3575; fax: 418 643-0132.

* The Regulation respecting the specialized medical treatments provided in a specialized medical centre, made by Minister's Order 2008-08 dated 18 June 2008 (2008, *G.O.* 2, 2941), was last amended by Order in Council 1029-2009 dated 23 September 2009 (2009, *G.O.* 2, 3287). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45-day period to the Minister of Public Security, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2.

JACQUES P. DUPUIS,
Minister of Public Security

Regulation respecting the training required to obtain an agent licence to carry on private security activities

Private Security Act
(R.S.Q., c. S-3.5, s. 112)

1. The training required to obtain an agent licence to carry on private security activities is as follows:

(1) for security guarding, to have successfully completed, in a private security guarding program, at least 70 hours of course for which a transcript of marks is issued by the Minister of Education, Recreation and Sports;

(2) for investigation, to have successfully completed the 135-hour course “Initiation aux techniques d’enquête et d’investigation” offered in a college-level educational institution, or to hold a Diploma in College Studies in police technology or a bachelor’s degree in police management obtained in the 5 years preceding the licence application, or their equivalent recognized by the Minister of Education, Recreation and Sports;

(3) for locksmith work, to hold a diploma of vocational studies in locksmithing or its equivalent recognized by the Minister of Education, Recreation and Sports;

(4) for activities related to electronic security systems, except the continuous remote monitoring of burglar or intrusion alarm systems, video surveillance systems and access control systems, to hold

(a) a diploma of vocational studies in security systems installation and maintenance or in electricity or their equivalent recognized by the Minister of Education, Recreation and Sports;

(b) an apprentice competency certificate or a journeyman competency certificate issued by the Commission de la construction du Québec, for the trade of electrician or the specialty of security systems installer; or

(c) a certificate of qualification in electricity, a restricted certificate of qualification in equipment connection or an apprenticeship card in either field, issued by the Minister of Employment and Social Solidarity;

(5) for the transport of valuables, to have successfully completed training on the handling of firearms and the use of force provided by the École nationale de police du Québec or an instructor accredited by that school.

2. An agent licence may be issued to a person who does not meet the training requirements provided for in section 1 where the person’s level of knowledge and skills is equivalent to the training required.

In assessing the training equivalence, the Bureau de la sécurité privée takes the following factors into account, among other things:

(1) diplomas obtained in relevant or related fields;

(2) the type of courses taken, course content and marks obtained;

(3) training periods and other learning activities completed; and

(4) the type and length of relevant experience.

3. No training is required from the immediate superior of a natural person who carries on a private security activity if the immediate superior does not carry on such an activity.

4. A person who, on the date of coming into force of this Regulation, carries on a private security activity for which an agent licence is required under the Act is not subject to the training requirements in section 1 to obtain a licence of the appropriate class as long as the licence is regularly renewed.

5. This Regulation comes into force on the date of coming into force of section 16 of the Private Security Act (R.S.Q., c. S-3.5).

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Notices

Notice

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

List of medications — Changes made during the year 2009

In accordance with section 60.3 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01), the Régie de l'assurance maladie du Québec hereby gives notice of the changes made, during the year 2009, to the List of Medications attached to the Regulation respecting the list of Medications covered by the basic prescription drug insurance plan, made by Order 2007-005, dated 1 June 2007, of the Minister of Health and Social Services.

NORMAND JULIEN,
*Secretary General of the Régie
de l'assurance maladie du Québec*

Changes	Date of Coming Into Force	Date of Publication
New list (replacement of Appendix I)	2 February 2009	30 January 2009
End of replacement pursuant to section 60.1	10 February 2009	10 February 2009
Correction pursuant to section 60.2 (Correction Number 1)	18 February 2009	19 February 2009
Replacement pursuant to section 60.1	13 January 2009	26 February 2009
End of replacement pursuant to section 60.1	14 March 2009	16 March 2009
Amendment Number 1	25 March 2009	23 March 2009
Correction pursuant to section 60.2 (Correction Number 2)	25 March 2009	23 March 2009
Replacement pursuant to section 60.1	1 April 2009	6 April 2009
New list (replacement of Appendix I)	20 April 2009	17 April 2009
Replacement pursuant to section 60.1	24 April 2009	29 April 2009
New list (replacement of Appendix I)	1 June 2009	29 May 2009
End of replacement pursuant to section 60.1	1 June 2009	2 June 2009
Replacement pursuant to section 60.1	27 May 2009	3 June 2009
End of replacement pursuant to section 60.1	4 June 2009	5 June 2009

Changes	Date of Coming Into Force	Date of Publication
Correction pursuant to section 60.2 (Correction Number 1)	22 June 2009	22 June 2009
Amendment Number 1	8 July 2009	7 July 2009
Correction pursuant to section 60.2 (Correction Number 2)	8 July 2009	7 July 2009
Replacement pursuant to section 60.1	10 August 2009	14 August 2009
End of replacement pursuant to section 60.1	14 August 2009	14 August 2009
Amendment Number 2	19 August 2009	17 August 2009
Correction pursuant to section 60.2 (Correction Number 3)	19 August 2009	17 August 2009
End of replacement pursuant to section 60.1	14 September 2009	14 September 2009
New list (replacement of Appendix I)	1 October 2009	29 September 2009
Replacement pursuant to section 60.1	2 October 2009	15 October 2009
Correction pursuant to section 60.2 (Correction Number 1)	21 October 2009	19 October 2009
Correction pursuant to section 60.2 (Correction Number 2)	18 November 2009	16 November 2009
Amendment Number 11	16 December 2009	14 December 2009
Replacement pursuant to section 60.1	18 December 2009	12 January 2010

Website

The address of the RAMQ website, on which the List of Medications is published, is:
http://www.ramq.gouv.qc.ca/fr/regie/lois/liste_med.shtml

9725

Notice

Health Insurance Act
 (R.S.Q., c. A-29)

Tariff regulations with respect to the property and services specified in the fifth and seventh paragraphs of section 3 of the Act — Replacements or amendments

In accordance with section 72.1 of the Health Insurance Act, the Régie de l'assurance maladie du Québec hereby gives notice of the replacements and amendments made, in the 2009 calendar year, to the tariff regulations with respect to the property and services specified in the fifth

and or seventh paragraphs of section 3 of the Health Insurance Act, respectively directed to devices which compensate for a motor deficiency, to hearing devices and to insured related services, which were published on the website of the Régie de l'assurance maladie du Québec.

NORMAND JULIEN,
*Secretary General of the Régie de
 l'assurance maladie du Québec*

Tariff for devices which compensate for a motor deficiency and insured related services (A-29, r.7)

Website: <http://www.ramq.gouv.qc.ca/fr/regie/lois/tasdmsa.shtml>

Amendment to the Regulation: Replacement of the tariff schedule, new tariff:

Date of coming into force:

1 July 2009

Date of publication on the website:

22 June 2009

Tariff for hearing devices and insured services (A-29, r.6)

Website: <http://www.ramq.gouv.qc.ca/fr/regie/lois/taasa.shtml>

Amendment to the Regulation: Replacement of the tariff schedule, new tariff:

Date of coming into force:

1 July 2009

Date of publication on the website:

22 June 2009

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

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