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Part

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Laws and Regulations

Volume 142

Summary

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- (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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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Coming into force of Acts

Gouvernement du Québec

O.C. 484-2010, 9 June 2010

An Act respecting the Institut national des mines

(2009, c. 6)

— Coming into force of the Act

COMING INTO FORCE of the Act respecting the Institut national des mines

WHEREAS the Act respecting the Institut national des mines (2009, c. 6) was assented to on 26 May 2009;

WHEREAS, under section 37 of the Act, the provisions of the Act come into force on the date set by the Government;

WHEREAS it is expedient to fix 28 June 2010 as the date of coming into force of the provisions of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT 28 June 2010 be fixed as the date of coming into force of the provisions of the Act respecting the Institut national des mines (2009, c. 6).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Regulations and other Acts

Gouvernement du Québec

O.C. 477-2010, 9 June 2010

Food Products Act
(R.S.Q., c. P-29)

Food and reimbursement of the costs of permanent inspection — Amendments

Regulation to amend the Regulation respecting food and the Regulation respecting the reimbursement of the costs of permanent inspection

WHEREAS, under paragraphs *a*, *a.1*, *b.1*, *c*, *e.4*, *f* and *j* of section 40 of the Food Products Act (R.S.Q., c. P-29), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting food and the Regulation respecting the reimbursement of the costs of permanent inspection was published in Part 2 of the *Gazette officielle du Québec* of 18 November 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting food and the Regulation respecting the reimbursement of the costs of permanent inspection, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting food* and the Regulation respecting the reimbursement of the costs of permanent inspection**

Food Products Act
(R.S.Q., c. P-29, s. 40, pars. *a*, *a.1*, *b.1*, *c*, *e.4*, *f* and *j*)

1. The Regulation respecting food is amended by replacing the words “meat unfit for human consumption” wherever they appear by “inedible meat”.

2. Section 1.3.1.1 is amended by replacing the first and the second paragraphs by the following:

“**1.3.1.1.** Every application for a permit referred to in the first paragraph of section 9 of the Act, except a permit referred to in subparagraphs *k.1* to *k.4* of the first paragraph, must be made in writing and contain the following information:

(1) if the application is made by a natural person, the person’s name, address and telephone number; if the application is made by a sole proprietorship, partnership or legal person, its name and telephone number, the address of its principal establishment and the business number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) the name under which the premises or vehicle will be operated and the address or registration number, as the case may be;

(3) the activities that the applicant plans to carry on;

(4) in the case of an application for a permit referred to in subparagraph *e* of the first paragraph of section 9 of the Act, the processed sea food products; and

* The Regulation respecting food (R.R.Q., 1981, c. P-29, r. 1) was last amended by the regulation made by Order in Council 66-2009 dated 28 January 2009 (2009, *G.O.* 2, 153). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

** The Regulation respecting the reimbursement of the costs of permanent inspection (R.R.Q., 1981, c. P-29, r. 5) was last amended by the regulation made by Order in Council 1603-91 dated 27 November 1991 (1991, *G.O.* 2, 4729). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

(5) for the purpose of establishing the fees payable for the permits referred to in subparagraphs 1 and 2 of the first paragraph and subparagraphs 1 and 3 of the second paragraph of section 1.3.6.7, the total number of hot or cold units containing food offered to consumers in a self-service environment, other than units that keep food cold consisting solely of fresh whole, cut, peeled, grated or sliced fruit or vegetables, calculated in the manner described in subparagraph *k* of the first paragraph of section 1.1.1.”.

3. Section 1.3.1.1.5 is revoked.

4. Section 1.3.1.2 is amended by replacing “to operate an establishment referred to in Schedule 1.3.A” by “referred to in section 1.3.1.1, except the application for a permit referred to in subparagraph *m* or *n* of the first paragraph of section 9 of the Act”.

5. Section 1.3.1.5 is replaced by the following:

“**1.3.1.5.** To renew a permit, a permit holder must apply for renewal in writing, indicate in the application the information referred to in the first paragraph of section 1.3.1.1 and pay the fees payable to the Minister of Finance. The application and payment of the fees payable must be received by the Minister before the expiry date of the permit.

The first paragraph does not apply to permits under paragraph 4 of section 1.3.5.B.1, paragraph 4 of section 1.3.5.C.1, section 1.3.5.F.1, 1.3.5.G.1, 1.3.5.H.1, 1.3.5.I.1, 1.3.5.J.1 or 1.3.5.K.1.”.

6. Section 1.3.1.5.1 is amended by replacing “1.3.1.1.5” at the end of the first paragraph by “1.3.1.1.4”.

7. Section 1.3.1.6 is amended by replacing “required fee” in the first paragraph by “fee payable” and “Schedule 1.3.B” by “section 1.3.1.5”.

8. Section 1.3.1.8 is revoked.

9. Section 2.1.2 is amended by replacing the second paragraph by the following:

“Despite the first paragraph, a person who enters the public service area may be accompanied by a dog compensating for a handicap.”.

10. Chapter 4 is revoked.

11. Section 7.2.6 is amended by striking out subparagraph *i* of the first paragraph.

12. Section 7.2.8 is amended by striking out subparagraph *h* of the first paragraph.

13. Section 7.2.10 is amended by striking out subparagraph *h* of the first paragraph.

14. Section 7.2.17 is revoked.

15. Section 7.4.7 is amended by striking out “or 7.5.10”.

16. Section 7.4.8 is revoked.

17. Division 7.5 is replaced by the following:

“DIVISION 7.5 PACKAGING

7.5.1. The words “inedible meat” or “boned inedible meat”, as the case may be, must appear on the four sides of any inedible meat packaging, in indelible, legible and conspicuous characters at least 2 centimetres high.

A packaging of boned inedible meat must also indicate

- (1) the weight of its content;
- (2) the date of packaging or lot number;
- (3) the operator’s permit number; and

(4) the operator’s name and address or, if the operator does not distribute the meat, the distributor’s name and address.

7.5.2. The operator of a dismembering plant holding a permit of the “boning” or “general preparation” category must package the inedible meat before shipping or delivering it.

The packaging must be new and bear all the inscriptions provided for in section 7.5.1, even if it contains unboned meat.

7.5.3. No inedible meat packaging may be reused to package inedible meat or food.”.

18. Sections 8.6.4 and 8.6.5 are revoked.

19. Section 11.3.1 is amended in the French version by replacing “exempt” by “exempts”.

20. Section 11.5.8 is amended by replacing “the third paragraph of section 2.2.3” in the first paragraph by “sections 2.2.3, 2.2.3.1 and 2.2.3.2”.

21. Section 11.8.1 is amended by replacing

(1) “300” and “400” in subparagraph 1 of the first paragraph by “355” and “465”, respectively;

(2) “1,200”, “2,500”, “300” and “400” in subparagraphs 2 to 5 of the first paragraph by “1,410”, “2,930”, “355” and “465”, respectively.

22. Section 11.11.1 is amended by inserting “or dairy product substitute” after “dairy product” in the second paragraph.**23.** Schedules 1.3.A, 1.3.B, 1.3.C, 4.1.A, 4.1.B, 4.1.C, 4.1.D, 4.1.E, 4.1.F and 7.5.A are revoked.**24.** The Regulation respecting the reimbursement of the costs of permanent inspection (R.R.Q., 1981, c. P-29, r. 5) is amended in paragraph *a* of section 1 by striking out “or the operator of a dismembering plant operated under a permit of the “animal food cannery”, “boning” or “general preparation” category”.**25.** 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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M.O., 2010**Order number AM 2010-025 of the minister of Natural Resources and Wildlife and the minister for Natural Resources and Wildlife dated 9 June 2010**

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

CONCERNING the Regulation to amend the Regulation respecting trapping and the fur trade

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING sections 56 and 163 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) which provide that the Minister may make regulations on the matters set forth therein;

CONSIDERING the first paragraph of section 164 of the Act which provides that a regulation made, in particular, under section 56 or subparagraph 3 of the first paragraph of section 163 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting trapping and the fur trade (R.R.Q., c. C-61.1, r. 21), which prescribes, in particular, the conditions for the trapping of any animal or class of animals;

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting trapping and the fur trade, attached to this Minister's Order, is hereby made.

Québec, 9 June 2010

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*

Regulation to amend the Regulation respecting trapping and the fur trade

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 56 and s. 163, 1st par., subpar. 3)

1. The Regulation respecting trapping and the fur trade (R.R.Q., c. C-61.1, r. 21) is amended by replacing “XI” in section 11 by “XII”.

2. Section 13 is amended by striking out “, except from 25 October to 20 February in the FAMUs 16, 25, 37 and 79 to 82 and from 25 October to 1 March in the FAMUs 24 and 83 to 86” in the second paragraph.

3. Section 17 is amended

(1) by replacing “8 to 15, 17 to 21, 35 to 37, 54 to 66 and 78” in subparagraph 3 of the first paragraph by “8 to 10, 12, 14, 15, 18 to 21, 35 to 37, 78 and 79”;

(2) by replacing “26 to 34, 38 to 53 and 70 to 73” in subparagraph 4 of the first paragraph by “11, 13, 17, 26 to 34, 38 to 66 and 70 to 73”.

4. Schedule I is amended by adding the following after paragraph 8:

“(9) “Type 9”: a cage or box designed to capture and hold a living animal; its length is to be no more than 122 cm and its height is to be no more than 46 cm”.

5. Schedule II is amended

(1) by adding “, 9” in column II “Implement type” for the striped skunk;

(2) by adding “, 3 and 9” in column II “Implement type” for the raccoon;

(3) by inserting “implement type 3 to trap raccoon” after “raccoon,” in the first paragraph of note 2;

(4) by replacing the second paragraph of note 2 by the following:

“The implements are published by the Ministère des Ressources naturelles et de la Faune, on its website, under the heading “List of Certified Traps” in the “Wildlife–Trapping” section.”.

6. Schedule III is amended

(1) by replacing “18-10/15-01” in the column concerning the American marten and the fisher in FAMU 39 by “18-10/01-03”;

(2) by replacing “8, 9, 20, 21, 26, 27, 28, 29” in the FAMUs column by “8, 9, 20, 21”;

(3) by replacing “16, 79, 80, 81, 82” in the FAMUs column by “16, 80, 81, 82”;

(4) by inserting the following FAMUs and trapping periods after FAMU 25:

“

26,	15-05/30-06	25-10/30-04	25-10/01-03	25-10/01-04
27,	25-10/01-03	25-10/01-03	15-11/15-12	25-10/15-12
28, 29				

”;

(5) by replacing “15-11/15-12” in the column concerning the Canada lynx in FAMUs 38 and 40 by “25-10/15-01”;

(6) by replacing “15-11/15-12” in the column concerning the Canada lynx in FAMU 39, FAMU 41 and FAMUs 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53 by “18-10/15-01”;

(7) by replacing “01-12/31-12” in the column concerning the Canada lynx in FAMUs 54, 55 and 56 by “18-10/15-03”;

(8) by replacing “15-12/15-01” in the column concerning the Canada lynx in FAMUs 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 by “18-10/15-03”;

(9) by replacing, in FAMU 68,

(a) “01-11/30-04” in the column concerning the muskrat by “18-10/30-04”;

(b) “01-11/01-03” in the column concerning, in particular, the red fox by “18-10/15-03”;

(c) “01-11/15-03” in the column concerning the beaver and the river otter by “18-10/15-03”;

(10) by replacing “15-11/15-12” in the column concerning the Canada lynx in FAMU 78 by “15-11/15-01”;

(11) by inserting the following FAMUs and trapping periods after FAMU 78:

“

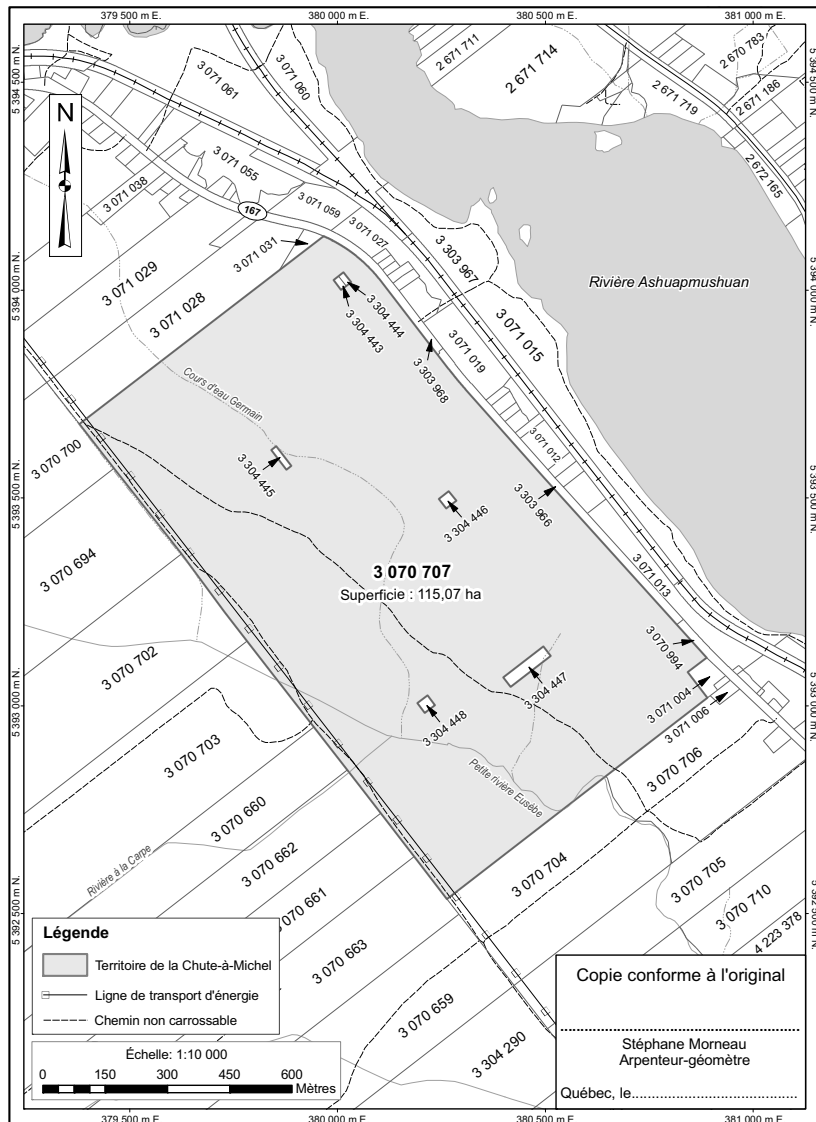
79	15-05/30-06	25-10/21-04	25-10/01-03	01-11/01-03
	25-10/01-03	25-10/31-01	15-11/15-12	25-10/15-12

”.

7. The Regulation is amended by adding the attached Schedule XII.

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

SCHEDULE XII



Copie conforme à l'original

Stéphane Morneau
Arpenteur-géomètre

Québec, le.....

Ressources naturelles et Faune Québec		TERRITOIRE DE LA CHUTE-À-MICHEL	
Cadastre : Cadastre du Québec	Dossier : 0200-0101-00-6400	Plan n° : 0200-0101-00	1/1
Municipalité : Ville de Saint-Félicien	Préparé à Québec, le 28 octobre 2009		
MRC : Le Domaine-du-Roy	Par : <u>Original signé</u> Stéphane Morneau Arpenteur-géomètre		
Région administrative : Saguenay - Lac-Saint-Jean	Minute : 534	Matricule : 2190	
L'original de ce document est déposé au Greffe de l'arpenteur général du Québec du ministère des Ressources naturelles et de la Faune.			

Draft Regulations

Draft Regulation

Building Act
(R.S.Q., c. B-1.1)

Construction Code — 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 Construction Code, appearing below, may be approved by the Government with or without amendment on the expiry of 45 days following this publication.

The draft Regulation adopts the 21st edition of the Canadian Electrical Code, First Part, which was amended to facilitate its application, adapt it to the particular needs of Québec and follow technological changes.

The draft Regulation also adopts most of the new normative provisions of the 2009 edition of the Canadian Electrical Code, adds certain modifications specific to the needs of Québec established after consultation with the concerned sector, and renews most of Québec's amendments made to the previous edition.

The impact as regards the requirement to install tamper resistant receptacles in new dwellings was measured and the increase will be in the amount of \$600,000 per year. The impact of the other changes is either insignificant or will be compensated by savings on maintenance and repairs.

Further information may be obtained by contacting Gilbert Montminy, Régie du bâtiment du Québec, 800, place D'Youville, 15^e étage, Québec (Québec) G1R 5S3; telephone: 418 643-1913; fax: 418 646-9280.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Michel Beaudoin, Chairman and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

SAM HAMAD,
Minister of Labour

Regulation to amend the Construction Code*

Building Act
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185,
1st par., subpars 3, 6.2, 6.3, 7, 20, 21, 24, 29, 31, 36,
37 and 38 and s. 192)

1. The Construction Code is amended in section 5.01 by replacing “vingtième édition, norme CSA-C22.1-06” in the first paragraph by “vingt et unième édition, norme CSA-C22.1-09” and “Twentieth Edition, CSA Standard C22.1-06” by “Twenty-first edition, CSA Standard C22.1-09”.

2. Section 5.03.01 is amended by replacing “annexe B” in the French text by “appendice B”.

3. Section 5.04 is amended

(1) by replacing subparagraph 0.1 of paragraph 1 by the following:

“(0.1) by striking out the following portion of the second paragraph of the definition “Object”: “Safe installations may be also achieved by alternatives to this Code, when such alternatives meet the fundamental safety principles of IEC 60364-1 (see Appendix K). These alternatives are intended to be used only in conjunction with acceptable means to assess compliance of these alternatives with the fundamental safety principles of IEC 60364 by the authorities enforcing this Code.”;

(2) by replacing “annexe B” in subparagraph 5 of paragraph 1 of the French text by “appendice B”;

(3) in paragraph 9

(1) by replacing “for purposes of exhibition” in Subrule 2 of Rule 2-024 by “for purposes of a test, exhibition,”;

* The Regulation to amend the Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203), was last amended by the regulation approved by Order in Council 939-2009 dated 19 August 2009 (2009, *G.O.* 2, 3231). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

(2) by replacing Subrules 1 and 2 of Rule 2-028 by the following:

“(1) Electrical equipment or a prefabricated building that has received certification by one of the following organizations is considered to be approved:

- (a) CSA International (CSA);
- (b) Curtis-Strauss LLC (cCS);
- (c) FM Approvals (cFM);
- (d) IAPMO Research and Testing Inc. (cIAPMO, cUPC or cUSPC);
- (e) Labtest Certification Inc. (cLC);
- (f) Underwriter’s Laboratories of Canada (ULC);
- (g) Intertek Testing Services NA Ltd (WH, cETL);
- (h) MET Laboratories, Inc. (cMET);
- (i) Nemko Canada Inc. (cNemko);
- (j) NSF International (cNSF);
- (k) OMNI-Test Laboratories, Inc. (cO-T L);
- (l) QPS Evaluation Services, Inc. (cQPS);
- (m) Quality Auditing Institute, Ltd (cQAI);
- (n) TÜV SÜD America Inc. (cTÜV Product Service);
- (o) TUV Rheinland of North America Inc. (cTUV);
- (p) Underwriters’ Laboratories Inc. (cUL);
- (q) any other certification organization accredited by the Standards Council of Canada that has notified the Board of its accreditation and whose certification seal or label attests to compliance with Canadian standards.

(2) Electrical equipment bearing the label of an organization accredited by the Standards Council of Canada that has notified the Board of its accreditation attesting that, without being certified by an organization listed in Subrule (1), the equipment is recognized as complying with the requirements of Standard SPE-1000-09 Model Code for the Field Evaluation of Electrical Equipment or complying with the requirements of Standard SPE-3000-10 Model Code for the Field Evaluation of Medical Electrical Equipment and Medical Electrical Systems, published by the Canadian Standards Association, as amended or re-edited by that organization, is also considered to be approved.”;

(4) by replacing “annexe B” in paragraph 10.1 in the title of Rule 2-322 in the French text by “appendice B”;

(5) in paragraph 13, by striking out “per Building” in the title of Rule 6-104;

(6) by inserting the following after paragraph 31:

“(31.1) by adding the following paragraph in Rule 12-116:

(5) Cutting or adding strands, or altering in any other way conductors to connect them to terminal parts, lugs or other junctions is prohibited.”;

(7) by striking out paragraph 34;

(8) by inserting the following after paragraph 34:

“(34.01) by replacing Rule 12-516 by the following:

12-516 Protection for cable in concealed installations
(see Appendix G)

(1) The outer surfaces of the cable shall be kept a distance of at least 32 mm from the edges of the members intended to be used as support for sheathing or cladding, or the cable shall be effectively protected from mechanical injury both during and after installation.

(2) Where a cable passes through a metal element, it shall be protected by an insert approved for the purpose and adequately secured in place.

(3) Where the cable is installed behind a baseboard or other finishing element, its outer surfaces shall be kept a distance of at least 32 mm from the hidden side of the element or it shall be effectively protected from mechanical injury from driven nails or screws.

(34.02) by adding the following after Subrule 2 in Rule 12-616:

(3) The installation of armoured cable in a concealed space in a metal element constituting the roof deck of a building or structure is prohibited.”;

(9) by inserting the following after paragraph 41:

“(41.1) in Rule 20-102, by inserting “showrooms, sales offices,” after “stockrooms” in Subrule (5)”;

(10) by striking out paragraph 42;

(11) by inserting the following after paragraph 44:

“(44.1) in Rule 26-712, in item (d), by replacing subitems iv and v by the following:

(iv) at least one receptacle (15 A split or 20 A T-slot) installed at each permanently fixed island counter space;

(v) at least one receptacle (15 A split or 20 A T-slot) installed at each peninsular counter space, except if the wall adjacent to the mating edge of the peninsula is equipped with a receptacle provided for in subitem iii;

(44.2) in Rule 26-712, by replacing item (h) by the following:

“(h) receptacles do not have to be tamper resistant where they are not accessible by their location, by the presence of stationary or fixed appliances, or they are located at more than 2 m from the floor or the finished floor.”;

(12) by replacing paragraph 48 by the following:

“(48) in Rule 28-604, in Subrule (4), by replacing items (a), (b) and (c) by the following:

(a) it is capable of safely making and interrupting the locked rotor current of the connected load; and

(b) it is capable of being locked in the open position.”;

(13) by inserting the following after paragraph 54:

“(54.1) by replacing Rule 32-206 by the following:

32-206 Disconnecting means and overcurrent protection (see Appendices B and G)

(1) No device capable of interrupting the circuit shall be placed between the service box and a fire pump transfer switch or a fire pump controller, other than a circuit breaker lockable in the on position or a non fusible switch lockable in the off position, labelled in a conspicuous, legible, and permanent manner identifying it as the fire pump disconnecting means.

(2) The circuit breaker referred to in Subrule (1) shall be permitted to be used in the separate service box described in Rule 32-204 and the rating or setting shall

(a) comply with Rule 28-200 where it is installed in an emergency supply circuit between the emergency power source and the fire pump transfer switch; or

(b) be not less than the overcurrent protection that is provided integral with the fire pump controller where it is installed in a normal supply circuit upstream of the controller.

(3) The non fusible switch referred to in Subrule (1) shall

(a) be capable of safely making and interrupting the locked rotor current of the connected load;

(b) comply with the requirements of the electric distributor;

(c) bear a mark indicating the need to maintain it at all times in the on position to ensure functionality of the fire pump; and

(d) be equipped with a device integral with the fire alarm system to signal the provisional deactivation of the fire pump.”;

(14) by inserting the following after paragraph 61:

“(61.1) by striking out Section 58 – Passenger rope-ways and similar equipment”;

(15) in paragraph 65, by replacing “after the definition of “series heating cable set” by the following: “in alphabetical order, the following definition:”;

(16) in paragraph 67.1, by replacing Rule 66-404 by the following:

“66-404 Receptacles

Receptacles with a CSA 5-15R configuration and those with a CSA 5-20R configuration installed in itinerant midways, carnivals, fairs and festivals and intended to feed loads situated outside or in a humid location shall be protected by a ground fault circuit interrupter of the Class A type.”;

(17) by striking out paragraph 68.01;

(18) by replacing “annexe B” in paragraph 68.1 of the French text by “appendice B”;

(19) in paragraph 73, by replacing “76-016” by “76-014”;

(20) by inserting the following after paragraph 73:

“(73.1) in Rule 76-016, by replacing “configuration 5-15R or 5-20R” by “15 A and 20 A to 125 V”;

(21) in paragraph 76, by replacing Table 66 by the following:

“Table 66

[See Rule 4-022(5)]

Minimum Size of Neutral Conductors for Underground Consumer’s Services Rated at More than 600 A and Fed by Parallel Conductors

Nominal Rating of Service Box A	AWG Size of each Copper Neutral Conductor	AWG Size of each Aluminum Neutral Conductor
601 to 1,200	0	000
1,201 to 2,000	00	0000
2,001 and more	000	250 kcmil

(22) in paragraph 77

(1) by replacing “annexe B” in the French text by “appendice B”;

(2) by inserting the following after subparagraph 7:

“(7.1) by inserting the following after the note concerning Rule 26-712(g):

“**26-712 (g) (h)** The purpose of Rule 26-712(g) is to protect children against electrical shock when they are able to reach receptacles. Where the location of a receptacle is inaccessible, the receptacle may not be tamper resistant [Rule 26-712(h)]. For example, receptacles dedicated for recessed microwaves, refrigerators, freezers, washing machines and those located in an attic, a crawl space or at a distance of more than 2 m from the floor or the finished floor are considered inaccessible to children.”;

(3) by striking out subparagraph 8.1;

(4) by replacing, in subparagraph 9, the note concerning Rule 68-304 by the following:

“**68-304** If that requirement cannot be met, the control devices shall be installed as far away as possible from the bathtub and shower but not outside the bathroom.”.

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

9866

Draft Regulation

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

**Heavy vehicles
— Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting environmental standards for heavy vehicles, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation sets, as of 1 October 2010, more restrictive standards concerning air emissions from diesel-powered heavy vehicles, and opacimeters used to measure the emissions.

The draft Regulation specifies which vehicles are exempt from the application of the Regulation, who the owners of the vehicles to which the Regulation applies are and how long attestations issued in accordance with the Regulation must be kept. It also specifies what instruments and methods must be used to measure emissions from diesel-powered heavy vehicles.

Lastly, the draft Regulation sets stricter penalties for owners, concerning the driving or sale of heavy vehicles that do not comply with the Regulation and that have not been repaired in accordance with the conditions set out in the Regulation.

In general, the draft Regulation has no impact on Québec’s small and medium-sized businesses that own heavy vehicles.

Further information may be obtained by contacting Jean-Pierre Létourneau, Ministère du Développement durable, de l’Environnement et des Parcs, Programme d’inspection et d’entretien des véhicules automobiles, 675, boulevard René-Lévesque Est, 6^e étage, Québec (Québec) G1R 5V7; telephone: 418 521-3868, extension 4974; fax: 418 643-4747; e-mail: jean-pierre.letourneau@mddep.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Jean-Pierre Létourneau at the above-mentioned address.

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

Regulation to amend the Regulation respecting environmental standards for heavy vehicles*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *c*, *d*, *h*
to *h.2*, s. 53, pars. *a* and *c*, and s. 109.1)

1. The Regulation respecting environmental standards for heavy vehicles is amended by replacing section 2 by the following:

“**2.** This Regulation applies to vehicles referred to in subparagraphs *a* and *b* of subparagraph 3 of section 2 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., c. P-30.3), except

(1) vehicles referred to in paragraph 1 of section 1 of the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles, made by Order in Council 986-98 dated 21 July 1998;

(2) vehicles totally exempt from the application of that Act under section 2 of the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles.”.

2. Section 4 is replaced by the following:

“**4.** Owners of heavy vehicles to which this Regulation applies are persons or municipalities whose name appears on the registration certificate of the vehicle and the persons or municipalities holding, in respect of the vehicle, a right within the meaning of section 2 of the Highway Safety Code (R.S.Q., c. C-24.2).”.

3. The following is inserted after section 10:

“**10.1.** Roadside measurement of air emissions from heavy vehicles is performed by highway controllers of the Société de l’assurance automobile du Québec pursuant to an agreement under sections 519.64 to 519.66 of the Highway Safety Code.

In accordance with the agreement, the Société designates controllers authorized to use the opacimeters and analyzers referred to in sections 13 and 15.”.

4. The following is added at the end of section 11:

“The owner must keep the attestation for 2 years and, on the Minister’s request, produce it to the Minister.”.

* The Regulation respecting environmental standards for heavy vehicles, made by Order in Council 1244-2005 dated 14 December 2005 (2005, *G.O.* 2, 5524), has not been amended.

5. Section 12 is amended by replacing the table by the following:

“

MODEL YEAR	OPACITY (%)
Until 30 September 2010	
1991 and newer	40
1990 and older	55
As of 1 October 2010	
1991 and newer	30
1990 and older	40

”.

6. Section 13 is replaced by the following:

“**13.** The opacity of emissions from diesel-powered heavy vehicles is measured

(1) by the roadside, using one of the following opacimeters:

— Red Mountain Engineering’s Smoke Check 1667;

— Thermal-Lube’s EXL Diesel Emission Detector; or

— Thermal-Lube’s EXL Combo Opacimeter 5-Gas Analyzer;

(2) in an accredited establishment, using an opacimeter, in accordance with the Society of Automotive Engineers recommended practice J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.”.

7. The first paragraph of section 16 is replaced by the following:

“**16.** The measurement of air emissions from heavy vehicles for which a repair notice has been notified by the Minister under section 11 is performed in an establishment accredited by the Minister under section 118.6 of the Environment Quality Act.”.

8. The following is inserted after section 21:

“**21.1.** The owner of a heavy vehicle not complying with this Regulation who offers the non-compliant vehicle for sale, sells it or otherwise places it at the disposal of another person without having obtained and kept the attestation prescribed by section 11, or who,

after the 30-day period set by that section and without having obtained and kept the attestation prescribed by that section, uses or allows the use of the non-compliant vehicle is liable to a fine of

- (1) \$1,250 to \$2,500, in the case of a natural person; and
- (2) \$2,500 to \$5,000, in the case of a legal person.”.

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

9862

Draft Regulation

An Act respecting parental insurance
(R.S.Q., c. A-29.011)

Premium rates under the parental insurance plan — 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 premium rates under the parental insurance plan, made by the Conseil de gestion de l'assurance parentale on 30 April 2010 and appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The Regulation modifies the premium rates applicable to employees, persons referred to in section 51 of the Act respecting parental insurance, employers and self-employed workers, as of 1 January 2011.

The majority of workers and employers will be affected by the proposed amendments, which will have a financial impact in their respect. The amendments will entail an increase of 4.4¢ per \$100 of payroll for employers, 3.1¢ per \$100 of salary or wages for employees and 5.6¢ per \$100 of income for self-employed workers.

The proposed amendments are chiefly attributable to a significant increase in the birthrate since the coming into force of the plan.

Further information may be obtained by contacting Marie-Christine Bergeron, 1122, Grande Allée Ouest, 1^{er} étage, bureau 104, Québec (Québec) G1S 1E5; telephone: 418 528-8818; fax: 418 643-6738.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the President and Director General of the Conseil de gestion de l'assurance parentale, 1122, Grande Allée Ouest, 1^{er} étage, bureau 104, Québec (Québec) G1S 1E5; telephone: 418 643-1009; fax: 418 643-6738.

SAM HAMAD,
*Minister of employment
and Social Solidarity*

Regulation to amend the Regulation respecting premium rates under the parental insurance plan

An Act respecting parental insurance
(R.S.Q., c. A-29.011, s. 6)

1. The Regulation respecting premium rates under the parental insurance plan (c. A-29.001, r. 5) is amended by replacing section 1 by the following:

“**1.** The premium rate applicable to an employee and to a person referred to in section 51 of the Act is 0.537%.

The premium rate applicable to a self-employed worker is 0.955%.

The premium rate applicable to an employer is 0.752%”.

2. This Regulation comes into force on 1 January 2011.

9863

Draft Regulation

An Act respecting tourist accommodation establishments
(R.S.Q., c. E-14.2)

Tourist accommodation establishments — 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 tourist accommodation establishments, appearing below, may be submitted to the Government to be made on the expiry of 45 days following this publication.

The draft Regulation better manages the certification and classification process and updates it. Amendments are proposed to solve specific problems and to support efforts to improve the quality and diversification of the tourist accommodation offer.

The draft Regulation

— clarifies the definition of “tourist accommodation establishment”;

— creates the new class “outfitting establishments”;

— specifies what information and documents are required when making an application for a classification certificate, in particular a certificate attesting that the establishment does not violate any municipal urban planning by-law regarding uses and proof of civil liability insurance;

— excludes, from the obligation to hold a classification certificate, persons who operate a tourist accommodation establishment of the class “outfitting establishment”, if accommodation is offered in an outfitting operation to which the Act respecting hunting and fishing rights in the James Bay and New Québec territories applies (R.S.Q., c. D-13.1).

Further information on the draft Regulation may be obtained by contacting Frédéric Dufour, Executive Assistant to the Assistant Deputy Minister, Accueil et hébergement touristique; telephone: 418 643-5959, extension 3471; fax: 418 643-3311; e-mail: frederic.dufour@tourisme.gouv.qc.ca. Mr. Dufour may also be reached by mail at:

Monsieur Frédéric Dufour
Ministère du Tourisme
Bureau du sous-ministre adjoint à l'accueil
et à l'hébergement touristique
900, boulevard René-Lévesque Est, bureau 400
Québec (Québec) G1R 2B5

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Frédéric Dufour at the above-mentioned address. The comments will be forwarded to the Minister of Tourism.

NICOLE MÉNARD,
Minister of Tourism

Regulation to amend the Regulation respecting tourist accommodation establishments*

An Act respecting tourist accommodation establishments
(R.S.Q., c. E-14.2, ss. 6 to 9, 30, 32, 36, par. 16, and 37, par. 5; 2009, c. 22, ss. 1 to 4, 10 and 12)

1. The Regulation respecting tourist accommodation establishments is amended by replacing section 1 by the following:

“**1.** Any establishment operated by a person who offers for rent to tourists, in return for payment, at least 1 accommodation unit for periods not exceeding 31 days is a tourist accommodation establishment. Accommodation units rented on an occasional basis are not included in the above definition.

A group of movables and immovables, adjacent or grouped together, having accessories or dependencies in common, may constitute one establishment provided that the movables and immovables that form the establishment are operated by only one person and are part of the same class of tourist accommodation establishments.”.

2. Section 2 is replaced by the following:

“**2.** The expression “accommodation unit” means a room, a bed, a suite, an apartment, a house, a cottage, a camp, a framed tent square, a wigwam, a short-lived facility or a camp site.”.

3. Section 4 is amended by striking out “that can accommodate a maximum of 6 persons”.

4. Section 7 is replaced by the following:

“**7.** The classes of tourist accommodation establishments are the following:

(1) hotel establishments: establishments that offer accommodation in furnished rooms, suites or apartments that have kitchen facilities, including hotel services;

(2) tourist homes: establishments that offer accommodation in furnished apartments, houses or cottages, including kitchen facilities;

(3) rugged furnished lodgings: establishments that offer accommodation in furnished camps, framed tent squares, wigwams or short-lived facilities;

* The Regulation respecting tourist accommodation establishments, made by Order in Council 1111-2001 dated 19 September 2001, has not been amended since it was made.

(4) resorts: establishments that offer, for an all-inclusive price, accommodation, including food services or kitchen facilities, recreational or entertainment services, and recreational facilities and equipment;

(5) bed and breakfast establishments: establishments that offer, for an all-inclusive price, accommodation in rooms in a private residence where the operator resides and rents a maximum of 5 rooms receiving a maximum of 15 persons, including breakfast served on the premises;

(6) hospitality villages: establishments that offer, for an all-inclusive price, accommodation in rooms in a group of private residences where each of the hosts receives a maximum of 6 persons, including an accompaniment service during all the stay, reception or entertainment services, breakfast and the noon or evening meal;

(7) youth hostels: establishments that offer accommodation in rooms, or in beds in one or more dormitories, including food services or kitchen facilities and full-time supervision;

(8) educational establishments: establishments that offer accommodation in an educational institution, governed by whichever Act, except if the accommodation units are rented to students of the institution only;

(9) camping establishments: establishments that offer accommodation on camp sites composed of permanent sites to accommodate tents or recreational camping vehicles, motorized or not, including services;

(10) outfitting establishments: establishments that offer accommodation in an outfitting operation within the meaning of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) or the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1);

(11) other accommodation establishments: tourist accommodation establishments that belong to none of the other classes.”

5. Section 8 is replaced by the following:

“**8.** Persons operating a tourist accommodation establishment of one of the following classes are not subject to the obligation to hold the classification certificate provided for in section 6 of the Act respecting tourist accommodation establishments (R.S.Q., c. E-14.2):

(1) rugged furnished lodgings;

(2) outfitting establishments, if accommodation is offered in an outfitting operation to which the Act respecting hunting and fishing rights in the James Bay and New Québec territories applies.”

6. Section 9 is revoked.

7. Section 10 is replaced by the following:

“**10.** An application for a classification certificate must be submitted in writing to the Minister. It must be signed by the person who is submitting it and must contain the following information:

(1) the name, address and telephone number of the person who operates the tourist accommodation establishment for which the application is made and, if applicable, the name, address and telephone number of the person’s representative;

(2) if applicable, the tourist accommodation establishment’s operator’s registration number in the register of sole proprietorships, partnerships and legal persons instituted by the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(3) the name of the tourist accommodation establishment that will appear on the classification certificate;

(4) the address of the establishment or its geographical location or, in the case of a group, the address or geographical location of the main immovable or movable, and of each of the other immovables and movables constituting the group;

(5) the class of tourist accommodation establishment for which the application is made;

(6) in the case of a group, a description of the accessories or dependencies common to the immovables and movables constituting the group;

(7) the types of accommodation units offered and the number of units for each type and, where applicable, for each immovable and movable constituting the group;

(8) the period of operation of the establishment, over 12 months; and

(9) a description of the services offered.

The application must be sent with:

(1) if applicable, a document authorizing the representative of the person who operates the tourist accommodation establishment for which the application is made to submit the application;

(2) if the person who operates the establishment is the owner of the establishment, a copy of the title of ownership or of the municipal tax account for the establishment or, if the person is a lessee, a copy of the leasing contract for the establishment and, in the case of a group, a copy of those documents for each of the immovables and movables forming the group;

(3) proof of civil liability insurance taken out according to the requirements under section 11.1;

(4) a certificate from the clerk, secretary-treasurer, secretary or any other officer designated for that purpose by a resolution of the council of a local municipality, of a borough or, in the case of a tourist accommodation establishment located in an unorganized territory, of a regional county municipality, attesting that the establishment violates no municipal urban planning by-law regarding uses adopted under the Act respecting land use planning and development (R.S.Q., c. A-19.1); and

(5) for the class “outfitting establishment”, a copy of the outfitter’s licence.

The documents referred to in subparagraphs 2 and 4 of the second paragraph need not be provided if the establishment is located on lands in the domain of the State or in an Indian reserve.

If the application is made by a mandatory of the person who operates the tourist accommodation establishment for which the application is made, the following information and documents must also be included:

(1) the name, address and telephone number of the mandatory and, if applicable, of the mandatory’s representative;

(2) if applicable, the mandatory’s registration number in the register of sole proprietorships, partnerships and legal persons instituted by the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45); and

(3) a document, from the person who operates the establishment, authorizing the mandatory to submit the application for him or her and, if applicable, a copy of the contract of mandate.

10.1. The application for a classification certificate must be sent with the payable fees, determined under section 7 of the Act respecting tourist accommodation establishments.

10.2. A provisional classification certificate may be issued upon receipt of all the information and documents required by section 10 and the fees payable for such a certificate.”

8. Section 11 is replaced by the following:

“**11.** Any new application must be made at least 2 months before the expiry date of the classification certificate.

If no change is made to the information and documents already produced under section 10, the information and documents need not be produced again, except the documents required by subparagraphs 3 and 5 of the second paragraph of that section.

In the case of a change to the information already produced under subparagraphs 5 and 7 of the first paragraph of section 10, the certificate referred to in subparagraph 4 of the second paragraph of that section must be produced again.

11.1. The holder of a classification certificate must, during all the term of the certificate, be covered by civil liability insurance for at least \$2,000,000 per claim to cover the risks associated with the operation of a tourist accommodation establishment, except if the operator is the Government or a public body.

11.2. The holder of a classification certificate that is not a natural person must inform the Minister of any event bringing a change in its control.”

9. Section 12 is amended by adding the following after the first paragraph:

“The provisional classification certificate takes the form of a written notice specifying the name of the accommodation establishment, its class and the expiry date.

In the case of an outfitting establishment, the sign or notice also indicates the name of the holder of the outfitter’s licence.”

10. Section 13 is replaced by the following:

“**13.** For the classes “educational establishments” and “outfitting establishments”, the Minister may fix, for a classification certificate, another term than the term determined by the first paragraph of section 9 of the Act respecting tourist accommodation establishments.

13.1. Where a classification certificate expires or must be modified, it must be destroyed or returned to the Minister, at the holder’s expense, and no copy of the certificate must be kept.”

11. Section 14 is amended by replacing “permanently posted in a conspicuous place” by “posted at the main entrance of the establishment or, in the case of a group of movables or immovables, in the location used to welcome or register tourists”.

12. Section 15 is revoked.

13. Section 16 is amended by replacing “tourist information office” by “tourist welcome and information site”.

14. The following is inserted after Division VII:

**“DIVISION VII.I
OFFENCES**

16.1. Every person who contravenes any provision of section 11.1, 11.2, 13.1, 14 or 16 is guilty of an offence.”.

15. Evaluation attestations for the class and category of the lodging units of an outfitting operation that are already issued on the date of coming into force of this Regulation under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) are considered to be classification certificates issued for establishments of the class “outfitting establishment” under the Regulation respecting tourist accommodation establishments (O.C. 1111-2001, 2001 *G.O.* 2, 5568).

16. The holder of a classification certificate has 2 months from the date of coming into force of this Regulation to comply with the provisions of section 11.1 of the Regulation respecting tourist accommodation establishments.

17. This Regulation comes into force on (*insert the date of coming into force of the Act to amend the Act respecting tourist accommodation establishments and other legislative provisions (2009, c. 22)*).

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

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