

Gazette
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DU Québec

Part

2

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Laws and Regulations

Volume 145

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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 (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
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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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Regulations and other Acts

Gouvernement du Québec

O.C. 75-2013, 1 February 2013

Professional Code
(chapter C-26)

Nursing assistants — Code of ethics

Code of ethics of nursing assistants

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

WHEREAS the board of directors of the Ordre des infirmières et infirmiers auxiliaires du Québec made the Code of ethics of nursing assistants;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Code of ethics of nursing assistants was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 and subject to sections 95.0.1 and 95.2 of the Professional Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Code of ethics of nursing assistants was published in Part 2 of the *Gazette officielle du Québec* of 13 June 2012 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Code of ethics of nursing assistants and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Code of ethics of nursing assistants with amendments;

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

THAT the Code of ethics of nursing assistants, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Code of ethics of nursing assistants

Professional Code
(chapter C-26, s. 87)

DIVISION I GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the general and special duties that must be discharged by all members of the Ordre des infirmières et infirmiers auxiliaires du Québec toward the public, patients and the profession.

DIVISION II COMPETENCE, INTEGRITY AND QUALITY OF CARE

2. Members must protect and promote the health and well-being of the persons to whom they provide care, both individually and collectively.

3. Members must practise in keeping with the generally recognized standards of practice. To that end, they must update their knowledge and improve their aptitudes and skills.

4. Members must at all times acknowledge the patient's right to consult another member, a member of another professional order or any other competent person and must, as the case may be, fully cooperate with them.

5. Members must, before providing professional services, consider the extent of their competence and the means at their disposal. They must also refrain from guaranteeing the cure of a disease or the effectiveness of a treatment they provide.

6. Members must ensure the quality of the information given and so notify the interlocutor accordingly.

7. Members must aim for the preservation of life, the alleviation of suffering, the treatment of disease and the promotion of health.

8. Members must have a conduct beyond reproach toward every person and must, in particular, act with respect, courtesy, moderation and integrity.

9. Members must maintain a relationship of mutual trust and respect with their patients. To that end, they must adopt a personalized approach that respects their patients' values and convictions.

10. Members must refrain from practising under conditions or in a state that may impair the quality of their professional services.

11. Members must report any incident or accident that results from their intervention or omission to intervene.

Members must also promptly take the necessary measures to remedy, minimize, or offset the consequences of the incident or accident on the patient's health or safety.

12. Members must provide patients with any explanation necessary to evaluate and understand the professional services they are providing.

13. Members must provide care and treatment to a patient with diligence. They must

(1) intervene promptly when the patient's state of health so requires;

(2) ensure the supervision required by the patient's state of health; and

(3) take reasonable measures to ensure the continuity of care and treatment.

14. Members must be diligent when administering medication or a substance.

In particular, when administering medication or a substance, members must have sufficient knowledge of the medication or substance and abide by the principles and methods applicable to its administration.

15. If a patient's condition so requires, members must consult another member, a member of another professional order or any other competent person, or refer the patient to one of those persons.

16. No member may appropriate medications, narcotic or anaesthetic preparations or other property or substances belonging to the member's employer or a person with whom the member interacts in the practice.

17. No member may, in respect of a patient's record or any report, register, research record or document related to the profession,

(1) falsify them, in particular by altering any notes already entered therein or by inserting any notes under a false signature;

(2) fabricate any false records, reports, registers or documents;

(3) enter therein any false information; or

(4) fail to enter therein any necessary information.

DIVISION III INDEPENDENCE AND IMPARTIALITY

18. Members must subordinate their personal interest to that of a patient.

19. Members must safeguard their professional independence at all times and avoid any situation in which they are likely to be in conflict of interest. In particular, members are in a conflict of interest situation

(1) when the interests concerned are such that members may tend to favour their interest over that of a patient or their judgment and loyalty toward their patient may be affected;

(2) when members receive, in addition to the remuneration to which they are entitled in their practice, any rebate, commission or other benefit, except customary tokens of appreciation or gifts of small value; or

(3) when, in their practice, members pay, offer to pay or undertake to pay any rebate, commission or other benefit, except customary tokens of appreciation or gifts of small value.

20. In the event of conflict of interest or the appearance of conflict of interest, members must take the necessary measures so that care and treatment are provided to a patient by another member, a member of another professional order or any other competent person, unless the situation requires that the member administer or continue to administer care or treatment. In such circumstances, members must, to the extent permitted by the circumstances, notify the patient of the situation.

21. Members must act with objectivity and impartiality when persons likely to become their patients request information.

22. Members must ignore any intervention by a third person that could influence the performance of their professional duties to the detriment of a patient.

23. Members may not persistently urge a person to have recourse to their professional services.

24. Members must refrain from interfering in the personal affairs of a patient on subjects that are not relevant to the profession.

DIVISION IV DILIGENCE AND AVAILABILITY

25. Members must display reasonable diligence and availability in their practice.

26. Unless they have sound and reasonable grounds for doing so, members may not terminate the professional services they provide to a patient.

The following in particular constitute sound and reasonable grounds:

(1) loss of the relationship of trust between the patient and the member;

(2) lack of benefit to the patient from the professional services offered by the member;

(3) a conflict of interest or any situation in which the member's professional independence could be called into question; and

(4) inducement by the patient to perform illegal, immoral, unfair or fraudulent acts or to contravene this Code.

27. Before ceasing to provide professional services to a patient, members must so inform the patient and make sure that the withdrawal of services will not be prejudicial to the patient.

DIVISION V FEES

28. Members must charge and accept fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and proportionate to the professional services provided.

29. To determine their fees, members must, in particular, consider the following factors:

(1) their experience;

(2) the time required to carry out the professional services;

(3) the complexity and extent of the professional services; and

(4) the fact that the professional services are unusual or require exceptional speed.

30. Before providing professional services to a patient, members must agree with the patient on their approximate cost, nature and method of providing such services.

31. Members must provide patients with all the explanations necessary to understand the statement of fees and the terms of payment.

32. Members must abstain from requiring advance payment of fees for their professional services.

33. Members may not claim fees that are unwarranted, in particular for performing acts that they knew or should have known were unnecessary or disproportionate to the patient's needs.

34. Members may not claim payment from a patient for professional services paid for by a third person under a law, unless under such law, members entered into an explicit agreement to that effect with the patient.

35. Members may collect interest on outstanding accounts only after notifying the patient. The interest thus charged must be reasonable.

36. Members may share their fees with another member only insofar as the sharing corresponds to the sharing of services and responsibilities.

37. Members must refrain from selling their accounts, except to another member or unless the patient consents thereto.

38. Members who entrust the collection of their fees to another person must ensure that the person will act with tact and moderation.

DIVISION VI PROFESSIONAL LIABILITY

39. Members may not avoid in any way their professional liability in their practice in particular by inserting in a contract for professional services any clause to that effect or by being a party to a contract containing any such clause.

DIVISION VII RESEARCH

40. Members must consider all foreseeable consequences of their research and work on society.

41. Members may not undertake or collaborate in any project involving research on humans that has not been approved by a research ethics committee formed or designated by the Minister of Health and Social Services or by another research ethics committee that respects recognized standards in matters of research ethics, particularly in regard to the composition of the committee and the methods by which it operates.

42. Members must refuse to collaborate or cease collaborating in any research activity where the risks to the health of subjects appear disproportionate having regard to the advantages that they stand to derive from the research or compared to the advantages that they could derive from the usual care.

43. Members who undertake or collaborate in research must advise the research ethics committee or another appropriate authority where the research appears not to conform to generally recognized scientific principles and ethical standards.

44. Members may not knowingly conceal from the persons or authorities concerned the negative findings of any research in which they have collaborated.

DIVISION VIII ADDITIONAL DUTIES IN THE PRACTICE OF THE PROFESSION

45. Members who express themselves through the media must give factual, exact and verifiable information that complies with the generally accepted opinions in the field of nursing care.

46. For the duration of the professional relationship, members may not establish a personal friendship likely to affect the quality of the professional services, or relations of an amorous or sexual nature with a patient.

To determine the duration of the professional relationship, members must take into consideration, in particular, the patient's vulnerability, the nature of the patient's health problem, the duration of the course of treatment and the likelihood of the member having to provide care to the patient again.

47. A member who is informed of an inquiry or of a complaint lodged against the member may not communicate with the person who requested the inquiry without the prior written authorization of the syndic of the Order. No member may seek to intimidate a person or take reprisals or threaten to take reprisals against any person who has taken part or cooperated in such an inquiry or complaint or intends to do so, or has reported behaviour that is contrary to the provisions of this Code or intends to do so.

DIVISION IX PROFESSIONAL SECRECY

48. For the purpose of preserving the secrecy of confidential information brought to their knowledge in their practice, members must

(1) refrain from disclosing that a person has requested their professional services;

(2) avoid holding or participating in indiscreet conversations concerning patients and the services provided to them;

(3) refrain from making use of confidential information to the detriment of a patient or with a view to obtaining, directly or indirectly, a benefit for themselves or another person; and

(4) take reasonable means with respect to their associates, employees and the personnel working with them to preserve the secrecy of confidential information.

49. Before collecting confidential information concerning a patient, members must inform the patient of the uses that could be made of the information.

50. Where information protected by professional secrecy is communicated pursuant to the third paragraph of section 60.4 of the Professional Code, members must enter in the patient's record as soon as possible

(1) the information communicated, the date and time of the communication;

(2) the name of the person or persons exposed to the danger;

(3) the name of the person or persons to whom the information was communicated, specifying whether it is a person exposed to the danger, that person's representative or the persons who can come to that person's aid; and

(4) the reasons for the decision to communicate the information.

DIVISION X

ACCESSIBILITY OF DOCUMENTS CONTAINED IN A RECORD, CORRECTION AND DELETION OF INFORMATION, AND COMMENTS

§1. Provisions applicable to members practising in the public sector

51. Members practising in a public body referred to in the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or in a centre operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) must respect the rules of accessibility and correction of records provided for in those statutes and facilitate their application.

§2. Provisions applicable to members practising outside the public sector

52. Members must respond promptly, at the latest within 30 days of their receipt, to written requests for access to documents, correction or deletion of information and filing of comments made by a patient in a record, which are referred to in sections 60.5 and 60.6 of the Professional Code.

The same applies for written requests to have a document returned to the patient. Where applicable, members must enter in the record the reasons supporting the patient's request.

53. Members may require that a request referred to in the previous section be made at their professional domicile during regular business hours.

54. Access to the documents referred to in section 60.5 of the Professional Code is free of charge.

Despite the foregoing, members may charge the patient reasonable fees not exceeding the cost of reproducing, transcribing or transmitting the documents and must inform the patient of the fees before reproducing, transcribing or transmitting the documents.

55. Members may temporarily deny access to information contained in a patient's record if its disclosure would likely cause serious harm to the patient's health. In such a case, members must inform the patient of the reasons for the refusal, enter the reasons in the record and inform the patient of his or her recourses.

56. Members must issue to the patient, free of charge, a copy of the document or part of the document so that the patient may see that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by the patient were filed in the record.

Members must also forward a copy, free of charge, of the corrected information or an attestation stating that the information has been deleted or, as the case may be, that the written comments have been filed in the record, to every person from whom the members received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

DIVISION XI

ADVERTISING

57. Members must have their name and professional title appear in their advertising.

58. Any advertisement by members must be of such a nature as to adequately inform persons who have no particular knowledge of the area of expertise referred to in the advertisement.

59. Members may not engage in or allow advertising, by any means whatsoever, that is false, deceitful, incomplete or likely to be misleading.

60. Members who, in their advertising, claim to possess special skills or qualities, in particular as to the effectiveness or scope of their professional services and to those generally provided by other members of the Order, must be able to substantiate such claims.

61. In their advertising, members may not denigrate or discredit the quality of the professional services provided by other members of the Order.

62. Members must avoid all advertising likely to tarnish the image of the profession or impart to it a profit-seeking or mercantile character.

63. Members may not engage in advertising or allow advertising on their behalf or in their respect, by any means whatsoever, concerning a health-related product or equipment or that is likely to influence persons who may be physically or emotionally vulnerable in particular because of their age or state of health.

64. Members may not advertise treatments or care whose scientific value or effectiveness is not recognized.

65. Members who advertise fees or prices must

(1) indicate the period during which those fees or prices are in effect;

(2) specify the nature and scope of the professional services included in the fees or prices;

(3) indicate, as the case may be, whether additional professional services may be required that are not included in the fees or prices; and

(4) indicate whether additional expenses are included in the fees or prices.

Those indications must reasonably inform persons who have no particular knowledge of nursing care or the professional services covered by the advertisement.

Members and patients may however agree on fees or prices lower than those broadcast or published.

Members must keep those fees or prices in effect for a minimum period of 90 days following the date on which they were last broadcast or published.

66. Members must keep a copy of every advertisement for a period of at least 5 years following the date on which it was last published or broadcast.

On request, the copy must be given immediately to the secretary of the Order, a syndic of the Order, or any member or inspector of the professional inspection committee.

67. Members may not, in their advertising, use or allow to be used any endorsement or statement of gratitude concerning them.

The first paragraph does not prevent members from mentioning an award for excellence or other merit for their contribution or a specific achievement relating to their practice.

DIVISION XII

RELATIONS WITH THE ORDER AND OTHER PERSONS WITH WHOM MEMBERS INTERACT IN THEIR PRACTICE

68. Members must cooperate and respond as soon as possible to any request or correspondence received from the secretary of the Order, a syndic of the Order, an expert appointed to assist the syndic, or a member, an expert or inspector of the professional inspection committee.

69. Members who are consulted by another member by reason of a particular competence on a given matter must provide the latter with an opinion and recommendations as promptly as possible.

70. Members whom the board of directors or the executive committee of the Order call on to be a member of the professional inspection committee, the disciplinary council, the review committee or the council for the arbitration of accounts may not refuse that duty, unless they have reasonable grounds for refusing.

71. No member may, with respect to any person with whom they interact in their practice, in particular another member or a member of another professional order, breach the person's trust, voluntarily mislead the person, betray good faith or use unfair practices.

72. Members must respect any agreement made with the Order.

DIVISION XIII

CONTRIBUTION TO THE DEVELOPMENT OF THE PROFESSION

73. Members must, insofar as they are able, contribute to the development of the profession by exchanging knowledge and experience with other members and students.

74. Members must promote education and information measures in the field of nursing care and, insofar as they are able, personally contribute to it.

75. Members must support every measure likely to improve the quality and offer of professional services in nursing care.

DIVISION XIV

ACTIVITIES INCOMPATIBLE WITH THE DIGNITY OR PRACTICE OF THE PROFESSION

76. No member may sell, engage or participate for profit in any distribution of medications, equipment or products related to the profession, except where a sale of products or equipment is made in response to an immediate need of the patient and is required for the care and treatment to be provided.

77. Members may not trade in products or methods that could be harmful to health, or treatments whose scientific value or effectiveness is not recognized.

DIVISION XV

GRAPHIC SYMBOL OF THE ORDER

78. Members who reproduce the graphic symbol of the Order in their advertising must ensure that it is identical to the original held by the secretary of the Order.

79. Members who use the graphic symbol of the Order in their advertising, except on business cards, must include the following disclaimer: “This is not an advertisement of the Ordre des infirmières et infirmiers auxiliaires du Québec and it engages the liability of its author only.”

80. Where members use the graphic symbol of the Order for advertising purposes, including on business cards, they may not juxtapose or otherwise use the name of the Order, except to indicate that they are members of the Order.

DIVISION XVI

FINAL

81. This Code replaces the Code of ethics of nursing assistants (chapter C-26, r. 153).

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

Draft Regulations

Draft Regulation

Mining Act
(chapter M-13.1)

Mineral substances other than petroleum, natural gas and brine — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting mineral substances other than petroleum, natural gas and brine to increase from 70 to 100% coverage of the financial guarantee to ensure rehabilitation and restoration work, to extend the scope of the financial guarantee to cover all the mining site, to review the schedule of payment of the financial guarantee, to review certain forms of financial guarantee and to require the filing of a rehabilitation plan where the movement of unconsolidated deposits is equal to or greater than 1,000 m³.

The draft Regulation has an impact on certain enterprises in operation. The financial guarantee corresponding to the total cost of restoration of the mining site must be paid within 3 years following the coming into force of the Regulation.

Further information on the draft Regulation may be obtained by contacting Lucie Ste-Croix, Director General, Gestion du milieu minier, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, bureau 4.00, Québec (Québec) G1S 4X4; telephone: 418 627-6292, extension 5389; fax: 418 643-9297; email: lucie.ste-croix@mrn.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Robert Marquis, Associate Deputy Minister, Mines, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, bureau 3.50, Québec (Québec) G1S 4X4.

MARTINE OUELLET,
Minister of Natural Resources

Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine

Mining Act
(chapter M-13.1, ss. 306 and 313.3)

1. The Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2) is amended in section 108 by replacing “10,000” in subparagraph *a* of subparagraph 1 of the first paragraph by “1,000”.

2. Sections 111, 112 and 113 are replaced by the following:

“**111.** Any person referred to in section 232.1 of the Act must provide a guarantee whose amount corresponds to the anticipated cost of carrying out the work required under the rehabilitation and restoration plan.

112. The person referred to in subparagraph 1 of the first paragraph of section 232.1 of the Act must provide the Minister with the guarantee required under section 232.4 of the Act before the beginning of exploration work.

113. The person referred to in any of subparagraphs 2 to 4 of the first paragraph of section 232.1 of the Act must provide the Minister with the guarantee determined under section 232.4 of the Act in accordance with the following rules:

- (1) the guarantee must be submitted in 3 payments;
- (2) the first payment must be made within 90 days following receipt of approval of the plan;
- (3) each subsequent payment must be made on the anniversary of the date of approval of the plan;
- (4) the first payment represents 50% of the total amount of the guarantee and the second and third payments, 25% each.”

3. Section 115 is amended by striking out subparagraphs 5 and 6 of the first paragraph.

4. Section 119 is amended

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

“The purpose of the irrevocable and unconditional letter of credit provided for in subparagraph 4 of the first paragraph of section 115 is to guarantee payment of the cost of the work if the requirements of sections 232.1 to 232.10 of the Act are not met. The contract must have a term of at least 12 months and include clauses providing that”;

(2) by striking out the words “ , the security or guarantee policy” wherever they appear in subparagraph 2 of the first paragraph”.

5. Section 120 is revoked.

6. Sections 146 and 147 are replaced by the following:

“**146.** Sections 111 and 112 continue to apply, as they read on (*insert the date preceding the date of coming into force of this Regulation*), to the person referred to in subparagraph 1 of the first paragraph of section 232.1 of the Act whose plan was approved by the Minister before (*insert the date of coming into force of this Regulation*), until the plan is revised.

147. The person referred to in any of subparagraphs 2 to 4 of the first paragraph of section 232.1 of the Act whose plan was approved by the Minister before (*insert the date of coming into force of this Regulation*), must submit the guarantee referred to in section 111 of the Regulation in accordance with the following rules:

- (1) the guarantee must be submitted in 3 payments;
- (2) the first payment must be submitted not later than 1 year after (*insert the date of coming into force of this Regulation*);
- (3) each subsequent payment must be submitted on the anniversary date of the first payment;
- (4) the first payment represents 50% of the total amount of the guarantee and the second and third payments, 25% each.”.

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

2462

Draft Regulation

An Act respecting off-highway vehicles
(chapter V-1.2)

Operation of off-highway vehicles on a portion of route du Portage under the management of the Minister of Transport — Parish of Saint-Charles-Garnier

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to authorize the operation of off-highway vehicles on a portion of route du Portage under the management of the Minister of Transport, appearing below, may be made by the Minister of Transport on the expiry of 45 days following this publication.

The draft Regulation authorizes the operation of snow-mobiles, motorized all-terrain vehicles and side-by-side vehicles on a portion of route du Portage in the territory of the parish of Saint-Charles-Garnier.

Further information on the draft Regulation may be obtained by contacting Richard Dionne, Director, Direction du Bas-Saint-Laurent-Gaspésie-Îles-de-la-Madeleine, Ministère des Transports du Québec, 92, 2^e rue Ouest, bureau 101, Rimouski (Québec) G5L 8E6; telephone: 418 727-3674; email: richard.dionne@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 of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

SYLVAIN GAUDREULT,
Minister of Transport

Regulation to authorize the operation of off-highway vehicles on a portion of route du Portage under the management of the Minister of Transport

An Act respecting off-highway vehicles
(chapter V-1.2, s. 11, 2nd par., subpar. 6 and s. 47)

1. The operation of off-highway vehicles referred to in subparagraphs 1 and 2 of the first paragraph of section 1 of the Act respecting off-highway vehicles (chapter V-1.2) and in the Ministerial Order concerning the Pilot project concerning side-by-side vehicles (chapter V-1.2, r. 4) is authorized on a portion of route du Portage (94850-02-025), situated in the territory of the parish of Saint-Charles-Garnier (09010) and for a length of 4.8 km, from chaining 0+000 to chaining 4+849.

2. 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 fifth anniversary of that publication.

2457

Draft Regulation

Pharmacy Act
(chapter P-10)

Terms and conditions for the sale of medications — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications, made by the Office des professions du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation allows the sale of medications by a pharmacist who prescribed them in accordance with the Act to amend the Pharmacy Act (2011, chapter 37).

The Office foresees that the new measures will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Ugo Chaillez, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be sent by the Office to the Minister of Justice. They may also be sent to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des professions
du Québec*

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

Pharmacy Act
(chapter P-10, s. 37.1)

1. The Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12) is amended by replacing paragraph 1 of section 8 by the following:

“(1) a pharmacist where the medication is prescribed in accordance with subparagraphs 6, 7 and 8 of the second paragraph of section 17 of the Pharmacy Act (chapter P-10), the third paragraph of section 17 of the Act or the Regulation respecting certain professional activities that may be engaged in by a pharmacist, approved by Order in Council (*insert the number and date of the Order in Council*);”.

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

2455

Draft Regulation

Professional Code
(chapter C-26)

Engineers — Diplomas giving access to permits — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 1.21 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders in order to add to the current list of diplomas giving access to the permit issued by the Ordre des ingénieurs du Québec the bachelor's degree in mechanical engineering of the Université du Québec offered by the Université du Québec en Abitibi-Témiscamingue and the bachelor's degree in microelectronic engineering of the Université du Québec à Montréal.

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

The draft Regulation will be submitted to the Office des professions du Québec and to the Ordre des ingénieurs du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister of Justice after consultation with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Céline Martineau, Director of Legal Affairs, Ordre des ingénieurs du Québec, Gare Windsor, 1100, rue De La Gauchetière Ouest, bureau 350, Montréal (Québec) H3B 2S2; telephone: 514 845-6141, extension 3155, or 1 800 461-6141; fax: 514 840-2088.

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

BERTRAND ST-ARNAUD,
Minister of Justice

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

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended in section 1.21

(1) by replacing paragraph *k* by the following:

“(*k*) diplôme de baccalauréat en ingénierie, (B.Ing.), obtained upon completion of one of the following programs of the Université du Québec offered by the Université du Québec en Abitibi-Témiscamingue:

- Baccalauréat en génie électromécanique;
- Baccalauréat en génie mécanique;”;

(2) by adding the following paragraph at the end:

“(*m*) diplôme de baccalauréat en ingénierie, (B.Ing.), obtained upon completion of the program “Baccalauréat en génie microélectronique” of the Université du Québec à Montréal awarded after 1 April 2008.”.

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

2461

Draft Regulation

Professional Code
(chapter C-26)

Physicians

— Professional activities that may be engaged in orthopedics by persons other than physicians

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain professional activities that may be engaged in orthopedics by persons other than physicians, adopted by the Board of Directors of the Collège des médecins du Québec, the text of which appears below, may be submitted to the government, which may approve it, with or without amendment, upon expiry of the 45 days that follow this publication.

This draft Regulation replaces the Regulation respecting a professional activity which may be performed by an employee or technician in orthopedics (chapter M-9, r. 9). The purpose of this Regulation is to authorize a technician in orthopedics to engage in the following professional activities:

- (1) Apply, adjust, remove and repair a plaster or fibre-glass cast;
- (2) Make, apply, adjust and remove splints;
- (3) Install a brace for legs, shoulders, back or neck;

(4) Adjust orthopedic appliances and ambulatory devices;

(5) Provide care and treatments for wounds and skin disfigurements as part of a medical or nursing treatment plan;

(6) Provide technical assistance to a physician orthopedist during minor surgical interventions, with or without anesthesia;

(7) Remove stitches, internal fixators, staples and nails;

(8) Contribute to the evaluation as part of management of the condition of an immobilized patient.

The purpose of this Regulation is also to establish the conditions under which a nursing assistant may engage in the following professional activities:

(1) Apply, adjust, remove and repair a plaster or fibre-glass cast;

(2) Make, apply, adjust and remove splints;

(3) Adjust orthopedic appliances and ambulatory devices.

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

Further information may be obtained by contacting, M^{re} Linda Bélanger, Assistant Director of the Legal Services Division, Collège des médecins du Québec, 2170 René-Lévesque Blvd. West, Montréal (Québec) H3H 2T8; Telephone number: 1 888 633-3246 or 514 933-4441, extension 5362; Fax number: 514 933-3276; e-mail: lbanger@cmq.org

Any person having comments is asked to send them, before the expiry period indicated above, to the Chair of the Office des professions du Québec, 800 Place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the Collège des médecins du Québec, as well as to interested persons, departments and organizations.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation respecting certain professional activities that may be engaged in orthopedics by persons other than physicians

Professional Code
(chapter C-26, s. 94, par. h)

1. The purpose of this regulation is to determine which amongst the professional activities in which physicians may engage in, those which, according to the terms and conditions it determines, may be engaged in by technicians in orthopedics, nursing assistants or other persons.

DIVISION I ORTHOPEDICS TECHNICIAN

2. A technician in orthopedics may, based on a prescription, engage in the following professional activities:

(1) Apply, adjust, remove and repair a plaster or fibre-glass cast;

(2) Make, apply, adjust and remove splints;

(3) Install a brace for legs, shoulders, back or neck;

(4) Adjust orthopedic appliances and ambulatory devices;

(5) Provide care and treatments for wounds and skin disfigurements as part of a medical or nursing treatment plan;

(6) Provide technical assistance to a physician orthopedist during minor surgical intervention, with or without anesthesia;

(7) Remove stitches, internal fixators, staples and nails;

(8) Contribute to the evaluation as part of management of the condition of an immobilized patient.

In this regulation, “orthopedic technician” means a person who has completed a college level training in a “Orthopedic Orthotic and Prosthetic Technology” program or has obtained equivalence of such training from the *Service de l'Évaluation comparative* of the Department of Immigration and Cultural Communities and is a member of the *Ordre des technologues professionnels du Québec*.

3. To be authorized to perform the activities described in subsection (1) of section 2, a technician in orthopedics shall successfully complete 25 hours of supplementary training covering:

- (1) The technician's contribution to the medical or nursing treatment plan;
- (2) Skin anatomy and physiology;
- (3) The scarring process;
- (4) Factors detrimental to scarring;
- (5) Knowledge of the principles of asepsis;
- (6) The principles of wound cleaning;
- (7) Wound types in the context of casts;
- (8) Products and bandages used in the context of casts;
- (9) Techniques for removing sutures and staples.

Such training might have been completed in a college-level program contemplated in the second paragraph of section 2.

4. A person registered in a program leading to obtaining the diploma contemplated in the second paragraph of section 2 or registered in a complementary training described in section 3 may practice the professional activities provided in the first paragraph if the following conditions are respected:

- (1) They perform these activities in the presence of an orthopedics technician, a nurse or a physician;
- (2) Performance of these activities is required for the purpose of completing this program.

DIVISION II **NURSING ASSISTANT**

5. A nursing assistant may, based on a prescription, engage in the following professional activities:

- (1) Apply, adjust, remove and repair a plaster or fibre-glass cast;
- (2) Make, apply, adjust and remove splints;
- (3) Adjust orthopedic appliances and ambulatory devices.

6. To engage in the activities contemplated in section 5, the nursing assistant must successfully complete the supplementary training program entitled "Immobilisation plâtrées pour infirmières et infirmiers auxiliaires" given by a hospital centre approved by the ministère de la Santé et des Services sociaux, including:

(1) 21 days of plaster cast immobilization training consisting of 9 modules, totalling 90 hours and covering theoretical concepts, learning exercises, the development of clinical laboratory skills and aftercare in a clinical setting covering the:

- a) legal framework;
- b) anatomy and physiology of musculoskeletal, neuro-vascular and tegumentary systems;
- c) types of fracture;
- d) scarring;
- e) main plaster immobilizations and splints;
- f) installation and removal of plaster cast immobilizations and splints;
- g) orthopedic devices and ambulatory devices;
- h) signs and symptoms associated to various complications and risks plaster casts and splints;
- i) major recommendations to the patient;
- j) documentation in the clinical record;
- k) the role of the interdisciplinary team;

(2) Pass a written examination on the training described in sub-paragraph (1);

(3) Successfully apply three types of immobilizations selected by the hospital centre that provided the training.

A nursing assistant who successfully completes the training program contemplated by the first sub-paragraph obtains an attestation from the Director of Nursing Care of the hospital centre that provided the training.

DIVISION III **OTHER PERSONS**

7. A person who, on 11 June 1980, was qualified to act as employee or technician in orthopedics under the collective agreements then in force in Québec, may install, adjust, remove and repair plaster casts with an individual prescription.

8. A person to whom sections 5 and 7 do not apply and who, on (*insert the date of entry into force of this regulation*), engaged in one or more of the activities stipulated in section 5 based on a prescription is authorized to continue to engage in this activity.

9. This regulation replaces the Regulation respecting a professional activity which may be performed by an employee or technician in orthopedics (chapter M-9, r. 9).

10. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

2456

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Changes in the destination of timber purchased by a holder of a timber supply guarantee pursuant to the guarantee

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting changes in the destination of timber purchased by a holder of a timber supply guarantee pursuant to the guarantee, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the volume of timber purchased by a holder of a timber supply guarantee pursuant to the guarantee which may, during a given year, be sent to wood processing plants also operating under a timber supply guarantee other than the plant specified in the guarantee.

The draft Regulation also determines the volume of timber which may, during a given year, be sent to a guarantee holder's plant from other plants also operating under a timber supply guarantee.

The draft Regulation will have a positive impact on forestry undertakings, particularly by reducing the administrative expenses that would otherwise be required to obtain the authorizations necessary to change the destination of timber, and by favouring a more efficient use of the timber purchased by holders of timber supply guarantees.

Further information on the draft Regulation may be obtained by contacting Annie Boucher-Roy, acting Director, Gestion des stocks ligneux, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, bureau 7.40, Québec (Québec) G1S 4X4; telephone: 418 627-8648, extension 4260; fax: 418 643-1690; email: annie.boucher-roy@mrn.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Richard Savard, acting Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

MARTINE OUELLET,
Minister of Natural Resources

Regulation respecting changes in the destination of timber purchased by a holder of a timber supply guarantee pursuant to the guarantee

Sustainable Forest Development Act
(chapter A-18.1, s. 115)

1. The volume of timber purchased during the year which is, under the timber supply guarantee, intended for the guarantee holder's wood processing plant and which, in accordance with the first paragraph of section 92 of the Sustainable Forest Development Act (chapter A-18.1), may be sent to other wood processing plants operating under a timber guarantee may not exceed, during a given year, 10% of the annual volumes of timber specified in the holder's timber supply guarantee.

However, any other volume equal to the volumes received by the guarantee holder from other wood processing plants pursuant to the second paragraph of section 92 of the Act may also be added to the volume referred to in the first paragraph.

2. The volume of timber which, pursuant to the second paragraph of section 92 of the Sustainable Forest Development Act (chapter A-18.1), may be sent to a guarantee holder's plant from other plants operating under a timber supply guarantee may not exceed, during a given year, 10% of the annual volumes of timber specified in the holder's guarantee, to which any other volume equal to the volumes sent by the guarantee holder to other wood processing plants pursuant to the first paragraph of section 92 may also be added, pursuant to the second paragraph of section 92.

3. The holder of a timber supply guarantee who sends or allows to be sent to the plant specified in the holder's guarantee volumes of timber from other plants operating under a timber supply guarantee commits an offence and is liable to the fine provided for in paragraph 3 of section 244 of the Sustainable Forest Development Act (chapter A-18.1) if the total volume sent exceeds, during a given year, the volume referred to in section 2.

4. This Regulation replaces the Regulation respecting changes in the destination of timber allocated to a holder of a timber supply and forest management agreement (chapter F-4.1, r. 1).

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

2459

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Forest protection

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Forest Protection Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the reimbursement mechanisms for expenses incurred in forest fire suppression operations and in implementing action plans against destructive insects or cryptogamic diseases, the cases in which a fire permit issued by the forest protection organization to make a fire in or near a forest is not required or those for which the permit may not be issued, and the conditions a fire permit holder must satisfy when making a fire in or near a forest. The draft Regulation also prescribes safety standards for the prevention and suppression of forest fires. Lastly, the draft Regulation determines the provisions of the Regulation whose violation constitutes an offence and specifies, among the fines prescribed in section 244 of the Sustainable Forest Development Act (chapter A-18.1), the one to which an offender is liable for a given offence.

The draft Regulation has no impact on enterprises as the rules concerning them are the same as before.

Further information on the draft Regulation may be obtained by contacting Julie Fortin, Direction de la protection des forêts, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8646, extension 4040; fax: 418 643-2368; email: julie.fortin@mrn.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Richard Savard, Acting Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

MARTINE OUELLET,
Minister of Natural Resources

Forest Protection Regulation

Sustainable Forest Development Act
(chapter A-18.1, ss. 195 and 210)

DIVISION I

RATE OF REIMBURSEMENT OF CERTAIN
EXPENSES INCURRED BY AN ORGANIZATION
RESPONSIBLE FOR PROTECTING FORESTS

1. The rate of reimbursement of expenses incurred in forest fire suppression operations by an organization responsible for protecting forests is fixed at 50%.

2. The rate of reimbursement of expenses incurred to implement action plans against destructive insects or cryptogamic diseases by an organization responsible for protecting forests is fixed at 50%.

DIVISION II

PERMIT FOR MAKING A FIRE IN OR NEAR
A FOREST

3. Any person may obtain a permit under section 190 of the Sustainable Forest Development Act (chapter A-18.1) if the person

(1) has in his or her possession on the premises where the person intends to make a fire the necessary equipment to fight forest fires;

(2) has built and kept a firebreak between the forest and the matter to be burnt, by removing from the surface any combustible matter over a distance equal to at least 5 times the height of the piles; and

(3) in or near a forest, when a blueberry field is burnt for regeneration aiming at the production of blueberries, the person has built and kept a firebreak around the field, by removing from the surface any combustible matter down to the mineral ground over a minimum distance of 3 m.

4. No permit is necessary to make a camp fire in or near a forest.

DIVISION III
SAFETY STANDARDS FOR THE PREVENTION
AND EXTINCTION OF FOREST FIRES

5. Any person who owns or uses in or near a forest a machine, a building or any other installation, must comply with the following safety standards:

(1) any motorized or mechanized machinery used in a forest must be equipped with a fire extinguisher in working order and complying with the standards recognized by the Canadian Standards Association or the Underwriters' Laboratories of Canada;

(2) any skid plate installed under an engine must be installed so as to allow the removal of combustible matter that could gather there;

(3) any operator working on a motorized or mechanized piece of machinery must remove from it any debris or dirt that could start a fire;

(4) any operator working on a motorized or mechanized piece of machinery must turn off all electrical circuits when it is not in use;

(5) the exhaust system of any engine must be equipped with a muffler with a spark arrester and be in working order;

(6) it is forbidden to smoke or to use an open flame within 15 m from a fuel storage or handling point;

(7) the owner or operator of a motorized or mechanized piece of machinery used in the forest must allow the representative of the forest protection organization to inspect it;

(8) it is forbidden to use in the forest a motorized or mechanized piece of machinery that is a fire hazard;

(9) any building or other installation situated in or near the forest and equipped with a coal or wood stove or with an inside or outside fireplace, must have a stack or pipe equipped in each case with a spark arrester in working order made of metal parts whose openings have a maximum width of 1 cm;

(10) any vegetation within 3 m of the outlet of a stack must be removed;

(11) any fuel and any flammable product of the same nature must be stored in tightly closed containers, outside of dwellings;

(12) all dried vegetation and dead wood must be cleared from the surroundings of a building or installation over a distance of at least 10 m;

(13) any building or other installation must be provided with means for extinguishing and tools for fighting fires at their beginning;

(14) any sawmill in or near the forest must be established where the ground is mineral;

(15) any flammable matter must be removed and the premises kept clear of such matter around a sawmill, its outbuildings, wood piles and debris dumps over a distance of at least 30 m;

(16) a sawmill and its outbuildings must be equipped with fire and spark arresting devices;

(17) from 1 April to 15 November, sawdust, slabwood or other sawmill debris may be burnt only in a burner with metal sides having a stack equipped with a spark arrester in working order, whose openings have a maximum width of 1.5 cm.

6. No person may smoke in or near a forest from 1 April to 15 November while working or travelling, except in a building or a closed vehicle.

7. Any person who starts a camp fire in or near a forest from 1 April to 15 November must first clear the place where the person intends to start the fire by removing all humus, dead wood, branches, scrub and dry leaves from the surface within a radius large enough to prevent the fire from spreading.

8. Any person who makes a fire in or near the forest must remain on the premises until the fire is completely extinguished.

DIVISION IV
OFFENCE

9. Every person who contravenes section 5, 6, 7 or 8 commits an offence and is liable to the fine provided for in paragraph 3 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

DIVISION V FINAL

10. This Regulation replaces the Forest Protection Regulation (chapter F-4.1, r. 11).

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

2458

Draft Regulation

Sustainable Forest Development Act
(chapter A-18.1)

Scaling of timber harvested in forests in the domain of the State

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the scaling of timber harvested in forests in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting the scaling of timber harvested in forests in the domain of the State (chapter F-4.1, r. 6) to adapt it to the new forest regime which comes into force on 1 April 2013, to add to it the scaling methods developed in the last years and to adjust it to the needs and practices set up since its last amendment.

Further information on the draft Regulation may be obtained by contacting René Lemieux, Direction des évaluations économiques et des opérations financières, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8640, extension 4583; fax: 418 528-1278; email: rene.lemieux@mrn.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Richard Savard, Acting Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

MARTINE OUELLET,
Minister of Natural Resources

Regulation respecting the scaling of timber harvested in forests in the domain of the State

Sustainable Forest Development Act
(chapter A-18.1, ss. 70 and 72)

DIVISION I GENERAL

§1. Scope

1. This Regulation applies to every person or body authorized to harvest timber in the forests in the domain of the State and required by the Minister to scale the timber.

This Regulation does not apply to

(1) the holder of a forest management permit for the harvest of firewood for domestic purposes;

(2) any person or body referred to in the first paragraph that buys standing timber in inventory with the timber marketing board. Despite the foregoing, paragraphs 1 to 4, 6 and 7 of section 8 and sections 11, 12 and 30 apply to that person or body.

§2. Definitions

2. In this Regulation, unless the context indicates otherwise,

“culler” means any natural person who holds a licence issued under the Cullers Act (chapter M-12.1); (*mesureur de bois*)

“harvest” means cutting, lopping, hauling, removing and topping of timber; (*récolte*)

“harvest year” means the period between 1 April and 31 March of the following year; (*année de récolte*)

“lot” means spread timber, a pile of timber, scattered timber or pieces of timber; (*lot*)

“solid volume” means the actual volume of a piece of timber; (*volume solide*)

“volume table” means a table that makes it possible to determine the volume of a piece of timber, using one or more of its other known dimensions; (*tarif de cubage*)

“working day” means a juridical day excluding Saturdays and 24 and 31 December. (*jour ouvrable*)

DIVISION II SCALING METHODS AND AUTHORIZATION OF THE METHOD

3. The application for authorization of the scaling method must be made on the form provided for that purpose by the Minister.

Where the beginning of harvest and transportation take place during the same month, the person or body referred to in the first paragraph of section 1 must be in possession of the scaling authorization before the beginning of harvested timber transportation.

Where the beginning of harvest and transportation do not take place during the same month, the person or body referred to in the first paragraph of section 1 must be in possession of the scaling authorization before the end of the month of the beginning of harvest or within the following 5 days, but always before the beginning of harvested timber transportation.

The authorization issued by the Minister indicates, in particular, the method that must be applied and the sampling parameters.

4. Scaling must be made according to species or group of species and quality, using one of the following methods:

(1) scaling by the piece, which consists in calculating the solid volume of each piece of sawn timber from its length and diameter;

(2) scaling of sawn and piled timber, which consists in calculating the solid volume of a pile of timber logs of the same class of length of 20 centimetres by measuring the diameter of cuts at one or both ends, adjusted if necessary according to the results obtained after sampling of a quantity of logs taken randomly and scaled according to the method provided for in subparagraph 1;

(3) scaling by apparent volume, which consists in calculating the apparent volume of piles of sawn and piled timber to be transformed into solid volume, from their height, width and length, using a piling factor set by the Minister or established on the basis of sampling taken randomly in all piles;

(4) scaling of unsawn timber, which consists in calculating the solid volume of unsawn and piled trunks from the measurement of the diameter of the widest cut on the trunks or part of the trunks and in establishing, by sampling, a stump volume table that makes it possible to calculate the average volume of the trunks based on their diameter;

(5) scaling chips, which consists in calculating the solid volume of a quantity of chips or comminuted timber by subtracting its mass in water from its mass in air;

(6) mass/volume scaling, which consists in calculating the solid volume of a quantity of timber from its total mass converted into a solid volume using the mass/volume conversion factor that may be set by the Minister or established by sampling representing the ratio between the total mass of the samples taken at random from the aggregate of the mass and the solid volume of those same samples, solid volume which will be determined according to one of the methods described in subparagraph 1, 2, 4 or 5;

(7) scaling after transportation without weighing, which consists in calculating the solid volume of a quantity of timber according to the predetermined volume of each load, from sampling applied on the aggregate of loads and whose samples are scaled according to one of the methods described in subparagraph 1, 2, 3 or 4, or from the complete scaling of the same quantity of timber, according to one of the same methods;

(8) mass scaling, which consists in calculating only the loading mass where forest biomass or other material of the same class may not be measured otherwise and must be calculated in metric tons.

If none of the methods provided for in the preceding paragraphs apply to scaling, the solid volume of timber must be calculated by multiplying the number of logs of the lot by the average volume estimated for log representing that lot.

5. All timber harvested in a harvest year must be scaled and the scaling data must be reported to the Minister not later than within 4 months after the end of that year or, where the land conditions do not allow for scaling to be carried out within that period, within 6 months after the end of the harvest year.

DIVISION III SCALING SITES

6. Timber harvested in a forest in the domain of the State must be scaled in the cutting area before it is transported, or outside the cutting area after it is transported according to the terms of the authorization of the scaling method and in accordance with that method.

The scaling data must be entered on a scaling form complying with the model drawn up by the Minister for the scaling method chosen, which is numbered according to the sequence unit issued by the Minister.

During scaling, the data must be recorded directly on the completed scaling form.

Every scaling form must be duly completed, dated and signed by a culler.

DIVISION IV SCALING IN THE CUTTING AREA BEFORE TRANSPORTATION

7. A paper copy of the scaling forms must be deposited, for verification purposes, in a sealed container located where the timber was scaled or in any other place indicated by the Minister as soon as the forms are completed, dated and signed by the culler.

The deposit in the sealed container must take place on the day on which the completed form is printed.

8. Scaled timber may not be transported outside the cutting area unless the driver of the road vehicle in which the timber was loaded is in possession of a transport voucher on which the following information appears:

- (1) the GPS coordinates of the timber loading point into the driver's vehicle, trailer or semi-trailer;
- (2) the source and destination of the timber;
- (3) the date and time of departure from the timber loading point;
- (4) the registration number of the vehicle and, where applicable, the trailer or semi-trailer;
- (5) the compilation unit number under which the timber was scaled, as indicated on the authorization of the scaling method;
- (6) the name of the person in charge of loading the timber;
- (7) the name of the driver of the vehicle.

9. During transportation, a copy of the transport voucher must be deposited at the place indicated in a sealed container.

10. The transport voucher, which must be handed over on arrival at the timber unloading point, must be completed by indicating the date and hour of arrival, by a person in charge who is present when the timber is received or by the driver of the road vehicle where no person in charge is present.

The original or, failing that, a copy of the voucher must be kept and filed in a register kept for that purpose by the timber recipient.

DIVISION V SCALING OUTSIDE THE CUTTING AREA AFTER TRANSPORTATION

11. Unscaled timber may not be transported outside the cutting area unless the driver of the road vehicle in which the timber was loaded is in possession of a timber transportation authorization and loading registration form complying with the model drawn up for that purpose by the Minister and in which the following information appears:

- (1) the information referred to in paragraphs 1 to 4, 6 and 7 of section 8;
- (2) the compilation unit number under which timber will be declared, as indicated on the scaling authorization;
- (3) the species or group of species of the timber transported.

12. During transportation, a copy of the form referred to in section 11 must be deposited in a sealed container at the place indicated by the Minister. Despite the foregoing, no form may be deposited in the sealed container where, among the information referred to in section 11, the following data that are validated by a computer system, must appear in the automated timber transportation authorization and loading registration form:

- (1) the GPS coordinates of the timber loading point into the driver's vehicle, trailer or semi-trailer;
- (2) the date and time of departure from the timber loading point;
- (3) the compilation unit number;
- (4) the species or group of species of the timber transported.

In addition, to be exempted from the deposit of the form during transportation, for the same harvest operation, each load, on each cutting area, must have an automated form.

13. Every timber transportation authorization and loading registration form must be handed over on arrival at the timber unloading point and be completed indicating the date, hour of arrival and, where applicable, the weighing data. It must then be signed by a culler before it is sent to the Minister.

The original or, failing that, a copy of the form must be kept and filed in a register kept for that purpose by the timber recipient.

14. Every scaling form must be completed, dated and signed by the culler not later than the fifth working day following the day on which the timber is received.

A paper copy of every scaling form, as well as a summary of the registrations of the timber transportation authorization and loading registration forms complying with the model drawn up for that purpose by the Minister must be deposited, for verification purposes, in a sealed container situated on the premises where the timber was scaled as soon as the documents are completed, dated and signed by the culler.

The deposit in the sealed container of the completed scaling form must take place on the day it is printed.

The deposit in the sealed container of the summary of the registrations of the timber transportation authorization and completed loading registration forms must take place on the day it is printed.

§1. Verification of weigh scales

15. Every weigh scale used within the scope of scaling timber from lands in the domain of the State must be verified once a week by the operator or owner of the weigh scale during the period of transportation of timber from lands in the domain of the State.

16. The culler must validate the information contained in the weigh scale control form complying with the model drawn up for that purpose by the Minister and sign it. The culler must send to the Minister, on the day it is signed, the weigh scale control form duly completed, signed and dated.

17. Where non-compliance with the operation of the weigh scale or a discrepancy in relation to the limits of error, according to the applicable scale, indicated in Schedule 1, is noted, every person or body referred to in the first paragraph of section 1, the owner or operator must take the necessary corrective measures.

18. The person or body referred to in the first paragraph of section 1 must cease to use the weigh scale for weighing timber from lands in the domain of the State where a verification shows a discrepancy in relation to the limits of error, according to the applicable scale, equal to or greater than 5 times those indicated in Schedule 1.

Where the person or body referred to in the first paragraph of section 1 is not the owner of the weigh scale, it may not be used unless the person or body has received from the owner or operator of the weigh scale a written declaration stating that it complies with and does not exceed the limits of error provided for in Schedule 1.

DIVISION VI

TRANSMISSION OF CERTAIN FORMS CONTAINING SCALING OR INVENTORY DATA

19. Every scaling form, duly completed, dated and signed by the culler, must be sent to the Minister by the person or body referred to in the first paragraph of section 1 so that the Minister receives it not later than the fifth working day following the day on which the paper copy of the form was deposited in the sealed container.

Every timber transportation authorization and loading registration form must be sent by the person or body referred to in the first paragraph of section 1 to the Minister so that the Minister receives it not later than the fifth working day following the day on which it was duly completed in accordance with section 14.

In the case referred to in subparagraph 3 of the first paragraph of section 26, the form need not be sent to the Minister.

20. An inventory estimating the volume of the timber felled but not yet scaled or declared on the last day of a calendar month must be sent by the person or body referred to in the first paragraph of section 1 to the Minister every month so that the Minister receives it not later than the fifth working day of the month following the month for which the inventory was made.

The inventory must indicate the location of the timber included in the inventory, be entered on a form complying with the model drawn up for that purpose by the Minister and be signed by a culler. It is used to determine, on the basis of written data, the volume harvested until the timber is scaled and the scaling data is declared to the Minister.

21. A paper copy of an inventory form of the timber transportation authorization and loading registration forms must be produced and sent to the Minister by the person who was granted the sequence unit number or who had a series of forms bearing the same number transferred not later than on 30 April of each year.

DIVISION VII

FEEES PAYABLE FOR THE LOSS OF SCALING, INVENTORY OR TRANSPORTATION FORMS

22. Every form must bear a sequence unit number granted by the Minister and be reserved for scaling and controlling timber harvested on lands in the domain of the State.

23. The numbers of the forms must be generated by ascending order and be consecutive for each sequence unit number.

24. The following fees are payable for the loss of forms:

- (1) \$30 per form;
- (2) \$300 for a sequence of 10 forms and more.

The fees for the loss of forms must be paid within 30 days following receipt of the invoice.

§1. Paper forms

25. The destruction or a missing form or sequence of forms are considered to be a loss of forms.

26. No fees are payable in the following cases:

- (1) the state of the forms makes them unusable;
- (2) the destruction of forms is evidenced by a police report or attested by an insurance company;
- (3) the Minister authorizes the use of forms in a transportation control project;
- (4) following a written declaration to the Minister by the printer of forms to the effect that the paper forms listed therein do not exist and were not delivered to the person who was granted the sequence unit number.

In the case referred to in subparagraph 1 of the first paragraph, the original must be provided to the Minister.

In the case referred to in subparagraph 3 of the first paragraph, the person who was granted the sequence unit number must provide the Minister with the original of all the forms used which are exempt from the application of section 19.

§2. Electronic forms

27. A break in the sequence of form numbers is considered to be a loss of forms.

28. No fees are payable in the event of a computer breakdown having as consequences the loss of form and a number error.

29. Any break in the sequence of form numbers must be indicated to the Minister within 5 days following the sequence break.

The break need not be corrected before its indication.

DIVISION VIII
STANDARDS APPLICABLE TO SEALED
CONTAINERS

30. Every person or body referred to in the first paragraph of section 1 must ensure that every sealed container required for the purposes of this Regulation meets the following standards:

- (1) be made of a hard structure;
- (2) have a volume of not less than 0.1 m³;
- (3) be waterproof and impervious enough to shelter the documents deposited therein from bad weather;
- (4) be equipped with a padlocked door allowing the persons in charge of the application of this Regulation to have access to the documents deposited therein;
- (5) bear the notice “scaling”, in the case of a sealed container referred to in section 7 or 14, or the notice “transportation”, in the case of a sealed container referred to in section 9 or 12;
- (6) the container bearing the notice “scaling” must be installed before the beginning of scaling timber and remain on the cutting area as long as there is timber to be scaled on the cutting area covered by a scaling project;
- (7) the container bearing the notice “transportation” must be installed before the beginning of transportation operations and remain on the premises until all timber has been transported to its destination or outside the cutting area where timber has not been sent directly to destination;
- (8) be located in an accessible place.

DIVISION IX
VERIFICATION OF SCALING AND CORRECTION

31. Timber scaled on the cutting area must be left undisturbed at the place where it was scaled for at least 2 working days after the day on which the paper copy of the scaling forms containing the data relating to the scaled timber is deposited in the sealed container.

Timber scaled after transportation must be left undisturbed at the place where it was scaled for at least 1 working day after the day on which the paper copy of the scaling forms containing the data relating to the scaled timber is deposited in the sealed container, except for timber last scaled according to each of the methods used under subparagraphs 6 and 7 of the first paragraph of section 4, which must be left at the place where it was scaled for 5 working days or until other timber is scaled according to the same methods.

The first and second paragraphs also apply where a correction to the scaling modifies the duties to be paid. The prescribed time periods are calculated from the date of the transmission to the Minister of the new form indicating the correction.

32. Timber must be re-scaled or the scaling corrected or cancelled, as the case may be, on the request of the Minister, in the following cases:

(1) where the verification carried out by the Minister shows discrepancies greater than 3% in volume;

(2) where the verification carried out by the Minister shows one or more errors or omissions that could cause a discrepancy in the quantity of timber that has been scaled, counted or sampled;

(3) scaling has not been carried out by a culler who holds a licence issued under the Cullers Act (chapter M-12.1);

(4) sampling does not comply with what is provided in the scaling authorization;

(5) sampling is not carried out according to the timber scaling instructions in connection with the scaling method selected provided for in the manual referred to in the third paragraph;

(6) timber is piled in a manner to prevent it to be scaled using a scaling tool;

(7) scaling, timber transportation authorization and loading registration forms contain erroneous, false or misleading information;

(8) the compilation unit indicated on the transportation authorization form does not correspond, in particular, to the timber load concerned, to the good source of timber or the good destination of timber;

(9) the culler did not classify the logs using the quality grids provided for in the manual;

(10) the culler did not evaluate the volumetric reduction in accordance with the types of defect provided for in the manual referred to in the third paragraph.

Where re-scaling is required, the re-scaled timber must be left undisturbed at the place where it was scaled until the expiry of one of the time periods provided for in the first and second paragraphs of section 31, as the case may be.

In all cases, the culler must take the corrective measures to the form according to the form amendment rules provided for in the manual referred to in the third paragraph of section 70 of the Sustainable Forest Development Act (chapter A-18.1).

§1. Assistance that the person or body required to scale the timber must provide to the Minister

33. A person or body who carries out scaling must make its staff available, free of charge, at the Minister's request, during an inspection on the site where scaling takes place.

That person or body must give access, free of charge, to the Minister to every site where scaling takes place and to every timber delivery point, and to the scaling systems, and monitoring equipment required by the scaling method chosen by the Minister.

DIVISION X OFFENCES

34. Every person or body referred to in the first paragraph of section 1 that harvests timber in a forest in the domain of the State and that contravenes any of the second and third paragraphs of section 3, sections 5 to 14, 19 to 21, the second and third paragraphs of section 26, sections 31 and 32 is liable to the fine provided for in paragraph 3 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

Every person or body referred to in the first paragraph of section 1 that harvests timber in forests in the domain of the State and that contravenes any of sections 22 and 23 is liable to the fine provided for in paragraph 1 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

35. Every road vehicle driver who contravenes any of sections 8, 9, 10, 11, 12 or 13 is liable to the fine provided for in paragraph 3 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

Where an offence referred to in the first paragraph is committed by the driver of a heavy vehicle, within the meaning of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3), every owner or operator of the vehicle, within the meaning of that Act, who has failed to take the necessary means to ensure that the driver of the vehicle complies with the provisions referred to in the first paragraph is liable to the same penalty as that provided for in that paragraph.

36. Every person who contravenes any of sections 15 to 18 is liable to the fine provided for in paragraph 3 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

37. Every person who contravenes section 29 is liable to the fine provided for in paragraph 1 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

38. Every person or body referred to in the first paragraph of section 1 that harvests timber in a forest in the domain of the State and that contravenes section 30 is liable to the fine provided for in paragraph 1 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

39. A person or body that carries out scaling and that contravenes section 33 is liable, per day of refusal to comply with that section, to the fine provided for in paragraph 1 of section 244 of the Sustainable Forest Development Act (chapter A-18.1).

DIVISION XI

MISCELLANEOUS

40. This Regulation replaces the Regulation respecting the scaling of timber harvested in forests in the domain of the State (chapter F-4.1, r. 6).

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

SCHEDULE 1

Limits of error of Measurement Canada for weigh scales graduated in 10 or 20 kg

Mass verified on a weigh scale graduated at 10 kg		Limits of error in kg	Mass verified on a weigh scale graduated at 20 kg		Limits of error in kg
from	to		from	to	
10	5,000	10	20	10,000	20
5,010	13,000	20	10,020	26,000	40
13,010	21,000	30	26,020	42,000	60
21,010	29,000	40	42,020	58,000	80
29,010	37,000	50	58,020	74,000	100
37,010	45,000	60	74,020	90,000	120
45,010	53,000	70	90,020	106,000	140
53,010	61,000	80	106,020	122,000	160
61,010	69,000	90	122,020	138,000	180
69,010	77,000	100	138,020	154,000	200
77,010	85,000	110	154,020	170,000	220
85,010	93,000	120	170,020	186,000	240
93,010	101,000	130	186,020	202,000	260

Notices

Notice

Hameau Nature Reserve — Recognition

Natural Heritage Conservation Act
(chapter C-61.01)

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (chapter C-61.01), that the Minister of Sustainable Development, Environment, Wildlife and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Sainte-Catherine-de-Hatley, Regional County Municipality of Memphrémagog, known and designated as the lot number 4 966 053 of the Québec cadastre, Stanstead registry division. This property covering an area of 2,6 hectares.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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

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