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Part

2

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Laws and Regulations

Volume 148

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Contents

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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 (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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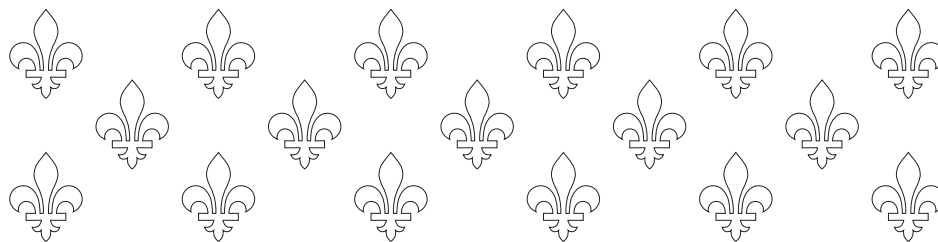
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NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 78
(2015, chapter 33)

**An Act to regulate the granting of
transition allowances to Members who
resign during their term of office**

**Introduced 12 November 2015
Passed in principle 24 November 2015
Passed 3 December 2015
Assented to 3 December 2015**

**Québec Official Publisher
2015**

EXPLANATORY NOTES

This Act amends the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly in order to regulate the granting of transition allowances to Members who resign during their term of office. A resigning Member may receive a transition allowance only if the Ethics Commissioner determines that the resignation is due to a serious family matter or a major health issue affecting the Member or a member of his or her immediate family. If the decision is favourable, the Ethics Commissioner must give public notice without disclosing the reasons for the decision.

Under the Act, the transition allowance of a Member who obtained a favourable decision from the Ethics Commissioner will be adjusted to reflect the Member's employment, professional, business and retirement income, and the Member will be required to reimburse any overpayment of the allowance.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1).

Bill 78

AN ACT TO REGULATE THE GRANTING OF TRANSITION ALLOWANCES TO MEMBERS WHO RESIGN DURING THEIR TERM OF OFFICE

AS, in a unanimous decision, the Office of the National Assembly created, on 13 June 2013, an independent committee chaired by retired justice Claire L'Heureux-Dubé and mandated to propose new conditions of employment for the Members of the National Assembly;

AS the committee's report, tabled in the National Assembly on 29 November 2013, recommends various legislative and regulatory amendments with respect to the indemnities and allowances, lodging expenses and pension and insurance plans of the Members of the National Assembly, as well as the creation of a permanent independent committee mandated to periodically review their conditions of employment;

AS the L'Heureux-Dubé independent committee recommended that the changes come into force at the beginning of the legislature that follows the legislative and regulatory amendments giving effect to the report's recommendations;

AS the L'Heureux-Dubé independent committee stated that its recommendations form a coherent whole and that it would be inappropriate to retain only some of its elements;

AS the granting of transition allowances to Members who resign during their term of office should be regulated as of the current legislature and as a second bill, governing the other conditions of employment of the Members of the National Assembly applicable as of the 42nd Legislature and providing for the creation of a permanent independent committee mandated to periodically review those conditions of employment, is being introduced simultaneously;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 12 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1) is replaced by the following section:

“12. A Member who is defeated in an election, or who serves out a term as Member but is not a candidate in the next election, is entitled to a transition allowance.

A Member who resigns during his term of office is also entitled to a transition allowance on condition that his resignation is due to a serious family matter or to a major health issue affecting him or a member of his immediate family.”

2. The Act is amended by inserting the following section after section 12:

“12.1. The Ethics Commissioner shall determine whether one of the conditions set out in the second paragraph of section 12 has been met.

Before rendering a decision, the Ethics Commissioner shall give the resigning Member an opportunity to present observations and be heard. The Ethics Commissioner shall send the decision in writing to the Member and to the Secretary General of the National Assembly. If the decision is favourable, the Ethics Commissioner must give public notice, without disclosing the reasons for the decision.

If the decision is favourable, the allowance is paid retroactively from the date the Member’s term of office ended.”

3. Section 13 of the Act is amended

(1) by replacing “The allowance” at the beginning of the first paragraph by “The transition allowance”;

(2) by adding the following paragraph after the third paragraph:

“In the case of a resigning Member who obtained a favourable decision under section 12.1, the amount paid must be reduced by an amount equal to the employment, professional, business or retirement income the Member receives or is entitled to receive during the period defined in the third paragraph.”

4. The Act is amended by inserting the following section after section 13:

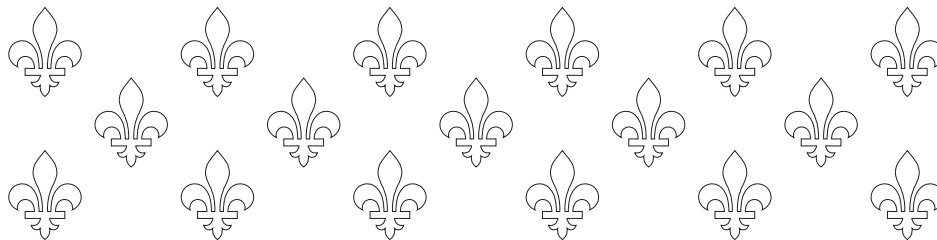
“13.1. If, during the period defined in the third paragraph of section 13, the resigning Member who obtained a favourable decision under section 12.1 received or was entitled to receive employment, professional, business or retirement income, the resigning Member must file a written statement with the Ethics Commissioner within 60 days after the end of the period defined in the third paragraph of section 13, stating the nature and amount of the income. The Ethics Commissioner shall send the statement to the Secretary General of the National Assembly.

If the total amounts paid as a transition allowance exceed what the Member was entitled to, given the employment, professional, business or retirement income actually received, the former Member shall reimburse the overpayment.

If the former Member fails to file the required statement with the Ethics Commissioner within the time prescribed in the first paragraph, the Secretary General of the National Assembly must demand the full reimbursement of the

transition allowance, unless the former Member subsequently files the required information with the Commissioner within a reasonable time.”

5. This Act comes into force on 12 November 2015.



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 80
(2015, chapter 34)

**An Act to enable municipalities to
neutralize tax burden shifts onto
residential immovables**

**Introduced 24 November 2015
Passed in principle 1 December 2015
Passed 2 December 2015
Assented to 3 December 2015**

**Québec Official Publisher
2015**

EXPLANATORY NOTES

This Act amends the Act respecting municipal taxation in order to raise the coefficients used in calculating the maximum taxation rate applicable to the non-residential immovables category and the industrial immovables category.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting municipal taxation (chapter F-2.1).

Bill 80

AN ACT TO ENABLE MUNICIPALITIES TO NEUTRALIZE TAX BURDEN SHIFTS ONTO RESIDENTIAL IMMOVABLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 244.40 of the Act respecting municipal taxation (chapter F-2.1) is amended

(1) by replacing “2.65” in the first paragraph by “3”;

(2) by replacing “3.55” in subparagraphs 2 to 5 of the second paragraph by “3.7”;

(3) by replacing “3.05” in subparagraphs 6 to 9 of the second paragraph by “3.4”.

2. This Act comes into force on 1 January 2016.

Coming into force of Acts

Gouvernement du Québec

O.C. 257-2016, 30 March 2016

**An Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation (2015, chapter 25)
— Coming into force of a provision of the Act**

COMING INTO FORCE of a provision of the Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation

WHEREAS the Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation (2015, chapter 25) was assented to on 10 November 2015;

WHEREAS section 25 of the Act provides that the Act comes into force on 10 November 2015, except in particular sections 4 to 31, 39, 41, 42, 45 to 47, 49, paragraph 3 of section 50, sections 53, 54, 56, 59 to 68, section 69 to the extent that it concerns general practitioners, sections 74, 75, 77 to 79, enacted by section 1, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 11 April 2016 as the date of coming into force of paragraph 3 of section 50, enacted by section 1 of the Act, to the extent that it concerns the system designed to allow every insured person, within the meaning of the Health Insurance Act (chapter A-29), to find a physician who agrees to provide medical care to the person;

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

THAT 11 April 2016 be set as the date of coming into force of paragraph 3 of section 50, enacted by section 1 of the Act to enact the Act to promote access to family medicine and specialized medicine services and to amend various legislative provisions relating to assisted procreation (2015, chapter 25), to the extent that it concerns the system designed to allow every insured person, within the meaning of the Health Insurance Act (chapter A-29), to find a physician who agrees to provide medical care to the person.

MARC-ANTOINE ADAM,
Associate Secretary General

102548

Regulations and other Acts

Gouvernement du Québec

O.C. 249-2016, 30 March 2016

Educational Childcare Act
(chapter S-4.1.1)

Educational Childcare — Amendment

Regulation to amend the Educational Childcare Regulation

WHEREAS subparagraphs 1 to 24 and 30 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Educational Childcare Regulation was published in Part 2 of the *Gazette officielle du Québec* of 21 October 2015, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS comments have been made and it is expedient to make the Regulation with amendments;

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

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

THAT the Regulation to amend the Educational Childcare Regulation, attached to this Order in Council, be made.

MARC-ANTOINE ADAM,
Associate Secretary General

Regulation to amend the Educational Childcare Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106)

1. The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended in section 2

(1) by replacing “an attestation” in the first paragraph by “a copy of the consent to investigation and the attestation”;

(2) by inserting “of the consent to investigation and” after “communication” in the second paragraph.

2. Section 6 is amended by inserting “a consent to investigation and” after “provide” in the second paragraph.

3. Section 13 is amended by replacing the second paragraph by the following:

“That amount is adjusted on 1 April of each year based on a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada.”.

4. The following is inserted after section 20:

20.1. A permit holder who has recourse to an organization or enterprise providing replacement childcare staff members must ensure that the replacement staff member has in his or her possession the certificate provided for in section 20 and, where applicable, proof that the replacement staff member holds the qualification provided for in section 22 before allowing the replacement staff member to work in the facility.”.

5. Section 23.1 is amended by adding the following paragraph at the end:

“If the number of childcare staff members is less than 3, at least 1 of the members must be qualified.”.

6. Section 23.2 is amended by adding the following paragraph:

“If the number of childcare staff members is less than 3, at least 1 of the members must be qualified.”

7. Section 25 is amended by adding the following paragraph:

“However, the permit holder is not bound by the obligations provided for in the first paragraph with respect to a replacement who holds in his or her possession the documents required under sections 4.2 and 20.1.”

8. Section 34 is amended by adding the following after paragraph 3:

“(4) at least 1 carbon monoxide detector on each storey, complying with the “CAN/CSA-6.19-Residential Carbon monoxide Alarming Devices” standard, installed and replaced in accordance with the manufacturer’s instructions.”

9. The following is inserted after section 39:

“**39.1.** A permit holder must ensure, where the outdoor play space is that referred to in subparagraph 1 of the first paragraph of section 39, that all the elements located therein are in good condition, kept clean and used safely and do not present any potential dangers by reason of their nature, the place where they are used and the presence of children.”

10. Section 48 is amended by replacing “sections 5 and 82” in subparagraph *a* of paragraph 5 by “section 5”.

11. Section 54.1 is amended by adding “The home childcare provider must keep the documents for 3 years after the end of the employment relationship with the assistant.” at the end of the second paragraph.

12. Section 60 is amended by replacing “the attestation” in paragraph 13 by “a copy of the consent to investigation of the information required to establish that no impediment exists and the attestation”.

13. Section 82.2 is amended by adding “The home childcare provider must keep the documents for 3 years after the end of the employment relationship with the occasional replacement.” at the end of the second paragraph.

14. Section 91 is amended by inserting the following after paragraph 3:

“(3.1) at least 1 carbon monoxide detector on each storey, complying with the “CAN/CSA-6.19-Residential Carbon monoxide Alarming Devices” standard, installed and replaced in accordance with the manufacturer’s instructions;”

15. Section 123 is amended by replacing “The card must be” in the second paragraph by “The card must be accessible on the premises where the childcare is provided and”.

16. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 8 and 14, which come into force on 28 October 2016.

102547

Gouvernement du Québec

O.C. 258-2016, 30 March 2016

An Act respecting prescription drug insurance
(chapter A-29.01)

Benefits authorized for pharmacists — Amendment

CONCERNING the Regulation to amend the Regulation respecting benefits authorized for pharmacists

WHEREAS, pursuant to the first paragraph of section 78 of the Act respecting prescription drug insurance (chapter A-29.01), the Government may, after consulting with the Board, in addition to the other regulatory powers conferred to it by that Act, make regulations for the purposes listed therein;

WHEREAS, pursuant to the third paragraph of section 22 of that Act, if, after an investigation, the Board believes that a pharmacist has received rebates, gratuities or other benefits not authorized by regulation for pharmaceutical services or medications and the pharmacist is claiming payment for those services or medications or has received payment for them in the preceding 36 months, the Board may deduct an amount corresponding to the value of the rebates, gratuities or other benefits from the payment for those pharmaceutical services or medications or obtain the reimbursement of that amount by way of compensation or otherwise, as the case may be;

WHEREAS it is expedient to modify the limit of the professional allowances authorized under the Regulation respecting benefits authorized for pharmacists (chapter A-29.01, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft regulation amending the Regulation respecting benefits authorized for pharmacists was published in Part 2 of the *Gazette officielle du Québec* on 23 December 2015, with notice that it could be enacted by the Government upon expiry of the 45-day period following that publication;

WHEREAS, in accordance with the first paragraph of section 78 of the Act respecting prescription drug insurance, the Board has been consulted with respect to this draft regulation;

WHEREAS the 45-day period has expired;

WHEREAS, it is expedient to enact that Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting benefits authorized for pharmacists, attached to this Order in Council, be enacted.

MARC-ANTOINE ADAM,
Associate Secretary General

Regulation to amend the Regulation respecting benefits authorized for pharmacists

An Act respecting prescription drug insurance (chapter A-29.01, s. 22)

1. The Regulation respecting benefits authorized for pharmacists (chapter A-29.01, r. 1) is amended, in section 2, by adding, at the end of the third paragraph, the following:

“However, this percentage will be 25% for a period of six months effective from 28 April 2016 and 30% for the following three months. After these last three months, no limit will apply for a period of two years and three months.”

2. This Regulation comes into force on the 15th day following its publication in the *Gazette officielle du Québec*.

102549

Gouvernement du Québec

O.C. 285-2016, 6 April 2016

An Act respecting labour standards (chapter N-1.1)

Labour standards —Amendment

Regulation to amend the Regulation respecting labour standards

WHEREAS, under the first paragraph of section 40, paragraph 1 of section 89 and the first paragraph of section 91 of the Act respecting labour standards (chapter N-1.1), the Government may, by regulation, fix labour standards respecting the minimum wage;

WHEREAS the Government made the Regulation respecting labour standards (chapter N-1.1, r. 3);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting labour standards was published in Part 2 of the *Gazette officielle du Québec* of 27 January 2016 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Labour :

THAT the Regulation to amend the Regulation respecting labour standards, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting labour standards

An Act respecting labour standards (chapter N-1.1, s. 40, 1st par., s. 89, par. 1, and s. 91, 1st par.)

1. The Regulation respecting labour standards (chapter N-1.1, r. 3) is amended in section 3 by replacing “\$10.55” by “\$10.75”.

2. Section 4 is amended by replacing “\$9.05” by “\$9.20”.

3. Section 4.1 is amended

(1) by replacing “\$3.12” in subparagraph 1 of the first paragraph by “\$3.18”;

(2) by replacing “\$0.83” in subparagraph 2 of the first paragraph by “\$0.85”.

4. This Regulation comes into force on 1 May 2016.

102551

Gouvernement du Québec

O.C. 286-2016, 6 April 2016

An Act respecting labour standards
(chapter N-1.1)

Clothing industry

— **Labour standards specific to certain sectors**
— **Amendment**

Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry

Whereas, under section 92.1 of the Act respecting labour standards (chapter N-1.1), after consulting with the most representative employees’ and employers’ associations in the clothing industry, the Government may, by regulation, in respect of all employers and employees in certain sectors of the clothing industry, fix labour standards respecting in particular the minimum wage;

WHEREAS the Government made the Regulation respecting labour standards specific to certain sectors of the clothing industry (chapter N-1.1, r. 4);

WHEREAS it is expedient to amend the Regulation;

WHEREAS the consultations required by the Act have been held;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry was published in Part 2 of the *Gazette officielle du Québec* of 27 January 2016 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Labour:

THAT the Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry

An Act respecting labour standards
(chapter N-1.1, s. 92.1, 1st par., subpar. 1)

1. The Regulation respecting labour standards specific to certain sectors of the clothing industry (chapter N-1.1, r. 4) is amended in section 3 by replacing “\$10.55” by “\$10.75”.

2. This Regulation comes into force on 1 May 2016.

102552

Notices

Notice

Natural Heritage Conservation Act
(chapter C-61.01)

Grosse-Montagne Nature Reserve (Secteur Parent-2) —Recognition

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 and the Fight Against Climate Change has recognized as a nature reserve a private property situated on the territory of the municipality of Saint-André, MRC of Kamouraska, known and designated as two parts of the lot number 4 788 198 and as a part of the lot number 4 788 205 of the Quebec cadastre, Kamouraska registry division. This property is more particularly described in the agreement of recognition and covering an area of 11,71 hectares.

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

AGATHE CIMON,
Director of protected areas

102553

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

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