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**DU Québec**

**Part**

**2**

**No. 17**

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**Laws and Regulations**

Volume 148

**Summary**

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### Contents

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**PROVINCE OF QUÉBEC**

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 17 FEBRUARY 2016

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**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 17 February 2016*

This day, at fifteen minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

66 Funeral Operations Act

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



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**PROVINCE OF QUÉBEC**

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 23 MARCH 2016

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OFFICE OF THE LIEUTENANT-GOVERNOR

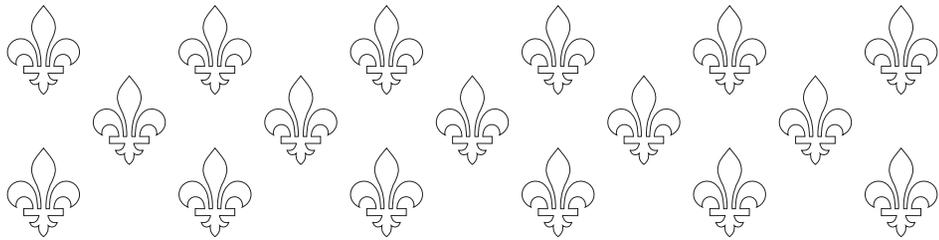
*Québec, 23 March 2016*

This day, at nine o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

90      Appropriation Act No. 1, 2016–2017

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 66  
(2016, chapter 1)

## **Funeral Operations Act**

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**Introduced 22 October 2015**  
**Passed in principle 2 December 2015**  
**Passed 17 February 2016**  
**Assented to 17 February 2016**

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**Québec Official Publisher**  
**2016**

## EXPLANATORY NOTES

*This Act creates a new legal framework for funeral operations in order to ensure that public health is protected and that the dignity of deceased persons is respected. It specifies the funeral operations concerned and establishes a licensing system for funeral services businesses and another for embalmers.*

*To protect public health, the Government may make regulations prescribing layout, equipment and hygiene standards for embalming rooms, rooms set up for the viewing of bodies or human ashes and crematoriums as well as hygiene and protection standards for funeral operations.*

*The Act includes provisions on the preservation and storage of bodies, on cemeteries, columbariums and mausoleums, and on the interment, disinterment and cremation of bodies as well as provisions on the transportation of bodies and the disposal of human ashes and unclaimed bodies.*

*An inspection and investigation framework is established for the purpose of verifying compliance with the Act and the regulations. Regulatory and penal provisions are also introduced.*

*Lastly, various transitional provisions and consequential amendments are made in light of the new legal framework applicable to funeral operations.*

## LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01);
- Act respecting prearranged funeral services and sepultures (chapter A-23.001);

- Health Insurance Act (chapter A-29);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Act respecting Roman Catholic cemetery companies (chapter C-40.1);
- Religious Corporations Act (chapter C-71);
- Public Curator Act (chapter C-81);
- Act respecting administrative justice (chapter J-3);
- Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2);
- Mining Act (chapter M-13.1);
- Act respecting Forillon Park and its surroundings (chapter P-8);
- Act respecting the sharing of certain health information (chapter P-9.0001);
- Act respecting liquor permits (chapter P-9.1);
- Podiatry Act (chapter P-12);
- Animal Health Protection Act (chapter P-42);
- Environment Quality Act (chapter Q-2);
- Act respecting the determination of the causes and circumstances of death (chapter R-0.2);
- Public Health Act (chapter S-2.2);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);

- Act to amend the Mining Act (2013, chapter 32).

**LEGISLATION REPEALED BY THIS ACT:**

- Non-Catholic Cemeteries Act (chapter C-17);
- Burial Act (chapter I-11).

**REGULATIONS AMENDED BY THIS ACT:**

- Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1);
- Regulation respecting biomedical waste (chapter Q-2, r. 12).

## **Bill 66**

### **FUNERAL OPERATIONS ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **GENERAL PROVISIONS**

**1.** This Act applies to the following funeral operations:

- (1) the provision of funeral services;
- (2) embalming;
- (3) the interment, disinterment and transportation of bodies;
- (4) the operation of funeral facilities; and
- (5) the disposal of human ashes.

It also applies to the disposal of unclaimed bodies.

**2.** For the purposes of this Act,

(1) “body” means, in addition to the body of a deceased person, the remains of such a body other than ashes, a still-born infant or a non-living product of conception when claimed by the mother or father;

(2) “institution” means a health and social services 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);

(3) “relative” means the married, civil union or de facto spouse or the child, mother, father, sister or brother of a deceased person;

(4) “cremation services” means services consisting in disposing of a body by fire or any other physical or chemical process;

(5) “funeral services” means embalming services, viewing services with the body or human ashes present or cremation services; and

(6) “embalming” means the preparation, disinfection or embalming of a body.

The washing of a body in the context of a funeral rite or practice does not constitute embalming.

**3.** This Act does not apply to funeral operations carried out by

(1) the Chief Coroner, coroners in the exercise of their functions under the Act respecting the determination of the causes and circumstances of death (chapter R-0.2) or transportation service providers or persons acting under the Chief Coroner’s or a coroner’s authority;

(2) members in good standing of a professional order governed by the Professional Code (chapter C-26) in the practice of their profession;

(3) educational institutions, persons who teach in a post-secondary funeral science program that is recognized for the purpose of obtaining an embalmer’s licence, or their students when they are acting for the purposes of their studies and are supervised by those persons or by a licensed embalmer;

(4) persons who apply makeup to, style the hair of or dress a body when they are acting under the supervision of a licensed embalmer; or

(5) any other person or category of persons exempted by government regulation.

Nor does this Act apply to

(1) institutions, subject to the provisions regarding unclaimed bodies;

(2) ambulance service permit holders; or

(3) measures prescribed, in the interests of justice, by judicial authorities or the persons that execute such measures.

**4.** In all circumstances, a body or human ashes must be handled and disposed of in a manner that respects the dignity of the deceased person.

## CHAPTER II

### FUNERAL SERVICES BUSINESS LICENCE AND EMBALMER'S LICENCE

#### DIVISION I

##### LICENCE ISSUE AND GENERAL LICENCE OBLIGATIONS

###### §1. — *General provisions*

**5.** No one may offer or purport to offer funeral services unless they hold a funeral services business licence.

**6.** A person who practises embalming must hold an embalmer's licence.

Only a natural person may hold an embalmer's licence.

**7.** Applications for a licence or its renewal must be submitted to the Minister in the form determined by government regulation, together with the documents and information prescribed and the fees set by regulation.

The Minister issues a licence or renews it if the applicant has the qualifications and meets the conditions prescribed by this Act and the regulations.

**8.** The Minister may issue, modify or renew a licence subject to any condition, restriction or prohibition the Minister determines. Any condition, restriction or prohibition determined by the Minister must be specified in the licence.

**9.** A funeral services business licence is issued or renewed for a three-year term.

An embalmer's licence is issued or renewed for a one-year term.

A renewal application must be received not later than three months before the licence expires.

**10.** Licensees must inform the Minister without delay of any change that may affect the validity of their licence.

In addition, a licensee who intends to cease operations must ensure a professional transition of the human ashes and the prearranged funeral services under the licensee's responsibility. The licensee must also inform the Minister in writing, and the Minister revokes the licence on the date specified in the notice of cessation of activities.

**11.** Licensees must preserve the documents specified by government regulation, allow them to be examined and provide them to the Minister on request.

§2.—*Provisions applicable to funeral services business licensees*

**12.** A funeral services business licence specifies the funeral services the licensee is authorized to provide and the funeral facilities the licensee is authorized to operate.

For the purposes of this subdivision, “funeral facility” means a room permanently set up for the viewing of bodies or human ashes, an embalming room or a crematorium.

**13.** Funeral services business licensees must carry out their operations in accordance with their licence.

**14.** A funeral services business licence may not be transferred without written authorization from the Minister.

**15.** The Minister issues an extract of the funeral services business licence for each funeral facility where the licensee is authorized to provide funeral services.

The licence extract must be conspicuously displayed in public view in each facility where the licensee provides funeral services so that it is clearly legible.

**16.** Funeral services business licensees must keep an up-to-date funeral operations register.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

**17.** A funeral services business licensee may advertise the business to the public as offering funeral services not specified in the licence, provided the services are offered through another funeral services business licensee. The licensees must enter into and maintain in force the contracts necessary for the provision of those services.

The licensee must inform the Minister, in the manner determined by the Minister, as soon as a contract has been entered into with such a provider.

**18.** Funeral services business licensees must have a room that is private and set up for meeting with and providing information to clients in strict confidentiality.

**19.** A funeral services business licensee must appoint a funeral services director unless the licensee is a natural person who occupies that position. In both cases, the Minister must be informed of the fact.

The funeral services director is responsible for the administration and operation of the funeral services business and must see to the day-to-day

management of operations and resources. The funeral services director also represents the licensee in dealings with the Minister.

**20.** A funeral services business licensee is accountable for the decisions made by the funeral services director in all matters governed by this Act.

**21.** The funeral services director of a funeral services business must have the qualifications and meet the conditions prescribed by government regulation.

§3.—*Provision applicable to licensed embalmers*

**22.** The funeral operations register kept by the funeral services business licensee must include a portion on embalming which must be completed and signed by the licensed embalmer who performs each embalming.

## DIVISION II

### UNFAVOURABLE DECISIONS OF THE MINISTER

**23.** The Minister may suspend, revoke or refuse to renew the licence of any licensee who

(1) has failed to comply with this Act or the regulations;

(2) has been found guilty, in any place, of an indictable or other offence relating to the operations for which the licence was issued, or, in the case of a licensee who is a legal person or partnership, if a director or officer, or a partner or shareholder having a major interest in the business, has been found guilty of such an offence, unless a pardon has been obtained;

(3) is unable, in the Minister's opinion, to provide adequate services; or

(4) no longer has the qualifications or meets the conditions prescribed by regulation for a licence or does not comply with a condition, restriction or prohibition specified in the licence.

The Minister may also suspend, revoke or refuse to renew a licence if the Minister considers that public health or safety is endangered by the licensee's operations.

For the purposes of this section, a partner holding 20% or more of the interest in a partnership, a general partner of a limited partnership or a shareholder who, directly or indirectly, can exercise 20% or more of the voting rights attached to a legal person's issued shares, is considered to have a major interest in the business.

**24.** In addition to what is provided for in section 23, the Minister may suspend, revoke or refuse to renew a funeral services business licence, after consultation with the president of the Office de la protection du consommateur

or on the president's recommendation, if the licensee was found guilty of an offence under the Consumer Protection Act (chapter P-40.1) or an offence under the Act respecting prearranged funeral services and sepultures (chapter A-23.001).

The Minister may also suspend, revoke or refuse to renew the funeral services business licence of a licensee who is insolvent.

**25.** Instead of suspending, revoking or refusing to renew a licence, the Minister may order the licensee to take the necessary corrective measures within a specified time.

If the licensee does not comply with the Minister's order within the specified time, the Minister may then suspend, revoke or refuse to renew the licensee's licence.

**26.** To protect public health or safety, the Minister may order a funeral services business licensee to cease to provide funeral services or operate a funeral facility. The Minister then modifies the licence accordingly.

**27.** Before suspending, revoking or refusing to issue or renew a licence or issuing an order under section 26, the Minister must notify the licensee in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the licensee at least 10 days to submit observations. The Minister's decision must include reasons and be notified in writing to the applicant or licensee.

However, the Minister may make a decision without being bound by that prior obligation if urgent action is required or to prevent irreparable injury. In such a case, the person affected by the decision may, within the time specified in the decision, submit observations to the Minister for a review of the decision.

**28.** A licensee whose licence has been suspended may obtain its reinstatement if the necessary corrective measures are taken within the time specified by the Minister.

If the licensee fails to take the necessary corrective measures within the time specified, the Minister must then revoke or refuse to renew the licence.

**29.** A licensee whose licence has been revoked or has not been renewed must surrender it and the licence extracts to the Minister within 15 days after notification of the Minister's decision.

The Minister may also require that a licensee whose licence has been suspended surrender it and the licence extracts.

**30.** An applicant who has been denied a licence or a licensee whose licence has been suspended, revoked or modified or has not been renewed may contest

the Minister's decision before the Administrative Tribunal of Québec within 60 days after notification of the Minister's decision.

**31.** The Minister may take any means necessary to inform the public and any other licensees under this Act of the suspension or revocation of or the refusal to renew a licence.

### CHAPTER III

#### SPECIAL PROVISIONS APPLICABLE TO CERTAIN FUNERAL OPERATIONS

##### DIVISION I

###### EMBALMING

**32.** Embalming must be performed in an embalming room operated by a funeral services business.

**33.** To protect public health, the Government may, by regulation, prescribe hygiene and protection standards for embalming and determine the conditions, including the time limits, in which embalming must be performed.

The Government may, by regulation, also prescribe layout, equipment and hygiene standards for embalming rooms.

##### DIVISION II

###### PRESENTATION AND VIEWING OF BODIES

**34.** The presentation or viewing of a body must be held by a funeral services business

(1) in a room permanently set up for the viewing of bodies or human ashes and appearing on the business's licence;

(2) in a room temporarily set up for the viewing of bodies or human ashes provided the business's licence authorizes the operation of a room permanently set up for such purposes; or

(3) in a room operated by the business, before the body's embalming or cremation and solely for identification purposes.

The washing of a body in the context of a funeral rite or practice in the presence of relatives or close relations of the deceased person must not be considered a presentation or viewing of the body.

**35.** When a body is presented or a viewing is held, the body must be laid out in a casket, whether open or closed. However, in the moments immediately preceding its cremation, a body may be presented on a stretcher or table.

**36.** To protect public health, the Government may, by regulation, prescribe hygiene and protection standards for the presentation or viewing of bodies and determine the conditions, including the time limits, in which such presentation or viewing must take place.

The Government may also prescribe, by regulation, layout, equipment and hygiene standards for rooms set up for the presentation or viewing of bodies or human ashes as well as manufacturing and hygiene standards for rental caskets, and determine the conditions for the use of rental caskets.

### DIVISION III

#### PRESERVATION OF BODIES

**37.** Rooms or equipment used for the preservation of bodies may be operated only by a funeral services business or a cemetery operator.

**38.** To protect public health, the Government may, by regulation, prescribe hygiene and protection standards for the preservation of bodies.

The Government may also prescribe layout and hygiene standards for rooms or equipment used for the preservation of bodies and determine the conditions for the use of such rooms or equipment.

**39.** Cemetery operators must, every five years, declare to the Minister the rooms and equipment they operate for the preservation of bodies.

When renewing their licence, funeral services businesses must declare to the Minister the rooms and equipment they operate for the preservation of bodies.

**40.** A public vault may be built only in a cemetery and must be used exclusively for the temporary storage of bodies and human ashes.

**41.** No one may open a casket after it has been placed in a public vault except when this is necessary in order to proceed with the cremation of the body.

**42.** Exceptionally and to ensure compliance with the law and the protection of public health, the Minister may require that a body held by a funeral services business or cemetery operator be transferred to another funeral services business or cemetery operator.

The business or operator transferring the body must provide all the documents pertaining to the body to the business or operator identified by the Minister. The business or operator transferring the body may not claim the costs related to its preservation from anyone and must pay the costs related to its transportation.

#### **DIVISION IV**

##### **OPERATION OF A CEMETERY, COLUMBARIUM OR MAUSOLEUM**

**43.** No one may establish or close a cemetery or change its size or use without prior authorization from the Minister.

**44.** A columbarium may be operated only by a funeral services business or a cemetery operator.

**45.** A mausoleum may be operated only by a cemetery operator.

A mausoleum may not be built elsewhere than in a cemetery.

**46.** The Government may, by regulation, prescribe layout and hygiene standards for cemeteries, columbariums and mausoleums and determine the conditions for their use.

**47.** Cemetery operators must, every five years, declare to the Minister the columbariums and mausoleums they operate. They must also inform the Minister of any change within three months.

When renewing their licence, funeral services businesses must declare to the Minister all the columbariums they operate. They must also inform the Minister of any change within three months.

**48.** Cemetery and columbarium operators must keep an up-to-date burial register.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

**49.** If the Minister considers it necessary for the protection of public health or safety, the Minister may prohibit access to all or part of a cemetery, columbarium or mausoleum, or prohibit the operation of all or part of such funeral facilities, until the situation endangering public health or safety is over.

The Minister may also order that work be done to remedy the problematic situation and specify the time within which the cemetery operator or funeral services business must do the work.

**50.** In the cases provided for in section 49, or when a cemetery is being closed or its size or use changed, the Minister may require that the bodies be disinterred and reinterred under the conditions and in the places determined by the Minister.

**51.** In the event of a cessation of operations or a bankruptcy, a columbarium operator, a funeral services business that holds human ashes or, if applicable, the syndic, must take reasonable measures to hand the ashes over to a relative. The operator, business or syndic may also hand the ashes over to any other person who shows an interest in the deceased person.

If such measures fail, the ashes must be placed in a cemetery or handed over to another columbarium operator at the expense of the columbarium operator who ceased operations.

The columbarium operator, funeral services business or syndic, as the case may be, must inform the Minister of the steps taken and the place where the ashes have been placed.

The Minister may inform the public of the cessation of activities or the bankruptcy of a columbarium operator and indicate to which operator the ashes were handed over.

**52.** A columbarium operator or funeral services business may keep abandoned human ashes in a safe place.

A columbarium operator who wishes to dispose of abandoned human ashes that have not been claimed one year after the expiry of a contract or a funeral services business that wishes to dispose of abandoned human ashes that have not been claimed one year after cremation must place them in a cemetery or hand them over to another columbarium operator.

Ashes are considered to have been abandoned after the columbarium operator or funeral services business has taken reasonable measures to hand the ashes over to a relative or to any other person who shows an interest in the deceased person.

**53.** Exceptionally and to ensure compliance with the law, the Minister may require that human ashes placed in a columbarium be handed over to another columbarium operator.

The operator handing over the ashes must provide all the documents pertaining to the body to the operator identified by the Minister. The operator handing over the ashes may not claim the costs related to their preservation from anyone and must pay the costs related to their transportation.

**54.** To enable the Minister to validate the information held by the Minister, the Minister may require the Minister of Municipal Affairs, Regions and Land Occupancy or a municipality to provide information on the presence of cemetery operators in a particular territory.

## **DIVISION V**

### **INTERMENT AND DISINTERMENT OF BODIES**

**55.** The interment of a body must be carried out in a lot or mausoleum situated in a cemetery or be carried out, after the Minister's authorization has been obtained, in another place.

**56.** A disinterment must be authorized by the Court.

A person wishing to disinter a body must file an application to that end with a judge of the Superior Court, together with an authorization from the national public health director. The application must be notified to the operator of the place where the body is interred.

The application must include reasons and specify the name of the person who will disinter the body, the means that will be taken to ensure that the body is respected and how the body will be disposed of.

**57.** The information allowing identification of the person whose body is to be disinterred as well as any available information on the cause of death or the intoxications, infections or diseases from which the person suffered must be submitted to the national public health director with the application for authorization.

The national public health director grants a disinterment authorization if, in the director's opinion, the disinterment does not present a public health hazard. The authorization may be subject to conditions.

**58.** A judge, when authorizing the disinterment of a body, must take into account the conditions prescribed by the national public health director.

**59.** A disinterment authorization must be notified to the Chief Coroner.

**60.** The disinterment of a body must be carried out in such a way as to protect public health.

**61.** The Government may, by regulation, prescribe standards and conditions for interment and disinterment.

## **DIVISION VI**

### **CREMATION OF BODIES**

**62.** The cremation of a body must be carried out in a crematorium operated by a funeral services business.

**63.** To protect public health, the Government may, by regulation, prescribe hygiene and protection standards for cremations and determine the persons who are authorized to perform cremations.

The Government may also, by regulation, prescribe layout, equipment and hygiene standards for crematoriums.

## **DIVISION VII**

### **TRANSPORTATION OF BODIES**

**64.** A body may be transported only by a funeral services business or another transportation services provider that is acting under a contract entered into with a funeral services business.

**65.** A body must be transported in accordance with the conditions and the equipment, hygiene and protection standards prescribed by government regulation.

The Minister may inform a funeral services business that has entered into a contract with a transportation services provider of any failure of the latter to comply with the law and the regulations.

**66.** A body may not be transported without the following:

(1) a copy of the attestation of death, except in the case of a non-living product of conception;

(2) a document specifying, if applicable, that the body presents a public health hazard; and

(3) any other information prescribed by ministerial regulation.

The copy of the attestation of death must be given to the funeral services business or the transportation services provider acting for the business by a person authorized by law to draw up attestations of death and the documents and information required under subparagraphs 2 and 3 of the first paragraph, by a person determined by ministerial regulation.

The funeral services business must keep the documents and information described in the first paragraph in accordance with the conditions prescribed by regulation.

**67.** The funeral services business that takes charge of the body must communicate the documents and information required under section 66 to the funeral services provider acting for the business.

**68.** If the Minister considers it necessary for the protection of public health or safety, the Minister may order a funeral services business to cease using a transportation services provider until the situation endangering public health or safety has ended.

### **DIVISION VIII**

#### **BODIES PRESENTING A PUBLIC HEALTH HAZARD**

**69.** A regulation made under this chapter may prescribe rules that vary according to the diseases which may constitute a public health hazard when carried by a body.

### **CHAPTER IV**

#### **DISPOSAL OF HUMAN ASHES**

**70.** A funeral services business must hand human ashes over to a single person in one or more containers, which must hold all the ashes.

The funeral services business must enter the information prescribed by government regulation in the funeral operations register.

**71.** No one may scatter human ashes in a place where they may constitute a nuisance or in a manner that fails to respect the dignity of the deceased person.

### **CHAPTER V**

#### **UNCLAIMED BODIES**

**72.** An institution is responsible for the custody and preservation of the bodies of persons whose death is attested in a facility maintained by the institution until the bodies are claimed or deemed unclaimed.

**73.** The Minister may designate one or more public institutions responsible for the custody and preservation of the bodies of persons whose death is attested outside a facility maintained by an institution until the bodies are claimed or deemed unclaimed.

**74.** The institution responsible for a body must ask a police force to conduct a search to find a relative of the deceased person.

When the search is concluded, the police force must as soon as possible inform the institution, in writing, of its outcome and inform a relative, if one has been found, of the person's death.

**75.** A body is deemed unclaimed if no relative can be found or if a relative

(1) declares in writing that he or she does not intend to claim it; or

(2) has not claimed the body within 72 hours after being officially informed of the death or after indicating that he or she intends to claim it.

**76.** An institution that has custody of an unclaimed body must inform the Minister as soon as possible and forward any document or information specified by the Minister. The same applies to a coroner who has custody of such a body that is not or is no longer required for the purposes of the Act respecting the determination of the causes and circumstances of death and that the coroner decides to entrust to the Minister.

**77.** The Minister may authorize the transfer of an unclaimed body to a person, other than a relative, who shows an interest in the deceased person and makes a written request, with reasons, to that end.

The person to whom the body is transferred is then responsible for paying the costs of disposing of the body.

**78.** The Minister may offer an unclaimed body to an educational institution or transfer it to a funeral services business for disposal in accordance with this Act.

The Minister then advises the institution or the coroner concerned of the steps they must take with regard to the body.

**79.** An educational institution that receives an unclaimed body must pay the transportation, preservation and disposal costs.

An educational institution that disposes of an unclaimed body must enter how and where it disposed of the body in a register that it maintains for that purpose.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

**80.** A body transferred by the Minister to a funeral services business must be interred or cremated as soon as possible.

The interment or cremation is carried out at the expense of the succession or, if the property left by the deceased person is insufficient to cover the interment or cremation expenses and they are not covered by a prearranged funeral services contract or sepulture contract, at the Government's expense.

**81.** A funeral services business may not refuse to take charge of an unclaimed body if the Minister requires it to do so and pays the fees determined by government regulation.

**82.** The Minister must keep an up-to-date register of unclaimed bodies.

The form and content of, and the terms governing access to and preservation of, the register are prescribed by government regulation.

## CHAPTER VI

### INSPECTION AND INVESTIGATION

**83.** The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act and the regulations.

**84.** An inspector may, in the exercise of the functions of office,

(1) at any reasonable time enter any premises where funeral operations are carried out and any premises where the inspector has reasonable grounds to believe that such operations are carried out;

(2) take photographs of the premises and equipment;

(3) require the persons present to provide any information about the operations carried out in those premises that is necessary for the discharge of the inspector's functions, and to produce any document or extract of a document containing such information for examination or the making of copies;

(4) inspect any vehicle used to transport bodies;

(5) conduct any test or analysis or take any measurements; and

(6) open a container or any equipment used as part of funeral operations, including a casket, or ask that it be opened for examination.

An inspector may be accompanied by an expert in a particular matter or request that the funeral services business or cemetery operator under inspection seek an expert opinion and provide the inspector with the resulting report, if such an opinion is considered necessary. The cost of the expert opinion is assumed by the funeral services business or cemetery operator.

**85.** The Minister may designate any person to investigate any matter relating to the application of this Act or the regulations.

**86.** On request, an inspector or investigator must identify himself or herself and produce a certificate of authority.

**87.** An inspector or investigator may not be sued for any act performed in good faith in the exercise of the functions of office.

## **CHAPTER VII**

### **REGULATORY POWERS**

**88.** In addition to the powers conferred on it by this Act, the Government may, by regulation,

- (1) determine the additional fees that may be charged to a licensee;
- (2) determine continuing education requirements for licensed embalmers or the staff of funeral services businesses or of transportation services providers acting for such businesses;
- (3) determine any other measure or standard for funeral operations, including any funeral operations not governed by this Act, that it considers necessary to protect public health;
- (4) determine the equipment, hygiene and protection standards applicable in the context of funeral rites and practices, in particular with regard to the washing of a body; and
- (5) determine the regulatory provisions made under this Act whose violation constitutes an offence and prescribe, for each offence, the minimum and maximum fines to which an offender is liable, which may not exceed the amounts specified in section 92.

## **CHAPTER VIII**

### **PENAL PROVISIONS**

**89.** The following persons are guilty of an offence and liable to a fine of \$250 to \$750 in the case of a natural person and \$750 to \$2,250 in other cases:

- (1) a licensee or cemetery operator who fails to preserve a document whose preservation is required or to provide information, reports or other documents that must be provided under this Act or the regulations;
- (2) a licensee or cemetery operator who fails to keep a register required under this Act; and
- (3) a licensee who contravenes the second paragraph of section 15 or section 29.

**90.** The following persons are guilty of an offence and liable to a fine of \$500 to \$1,500 in the case of a natural person and \$1,500 to \$4,500 in other cases:

(1) a funeral services business licensee who contravenes section 14, 17 or 18, the first paragraph of section 19, the first paragraph of section 70 or section 81;

(2) a columbarium operator, syndic or funeral services business licensee, as the case may be, who contravenes section 51 or 52; and

(3) anyone who contravenes section 32, 40, 41, 45, 55, 60 or 62, the first paragraph of section 66 or section 71.

**91.** The following persons are guilty of an offence and liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$3,000 to \$15,000 in other cases:

(1) a funeral services business licensee who employs a person who practises embalming without the embalmer's licence required under section 6;

(2) a funeral services business licensee who contravenes section 13;

(3) anyone who contravenes the first paragraph of section 5 or 6, section 34, 35, 37, 43 or 44, the first paragraph of section 56 or section 64;

(4) anyone who hinders an inspector or investigator in the exercise of the functions of office;

(5) anyone who refuses to provide an inspector with information or documents the inspector is entitled to require or examine, or conceals or destroys a document or other object relevant to an inspection; and

(6) anyone who provides the Minister or an inspector in the exercise of the functions of office with information, reports or other documents that must be provided under this Act and that the person knows or should have known to be false or misleading.

**92.** The following persons are guilty of an offence and liable to a fine of \$2,500 to \$12,500 in the case of a natural person and \$7,500 to \$37,500 in other cases:

(1) anyone who refuses to comply with anything that the Minister requires to be done under the first paragraph of section 42, section 50 or the first paragraph of section 53;

(2) anyone who enters a cemetery, columbarium or mausoleum or any part of a cemetery, columbarium or mausoleum when the Minister has prohibited access under the first paragraph of section 49;

(3) a funeral services business licensee or cemetery operator who provides access to all or part of a cemetery, columbarium or mausoleum, or continues to operate it, when the Minister has prohibited such access or operation under the first paragraph of section 49;

(4) a funeral services business licensee or cemetery operator who neglects or refuses to do work ordered by the Minister under the second paragraph of section 49 within the time specified; and

(5) a funeral services business that continues to use a transportation services provider when the Minister has prohibited its doing so under section 68.

**93.** Anyone who aids, abets, counsels, allows, authorizes or orders another person to commit an offence under this Act or the regulations is guilty of that offence.

**94.** If an offence is committed by the funeral services director of a funeral services business or by a director of a legal person, partnership or association without legal personality, the minimum and maximum fines that may be imposed are double those prescribed for a natural person.

**95.** In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by a director, agent or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that due diligence was exercised and all necessary precautions were taken to prevent the commission of the offence.

**96.** In the case of a subsequent offence, the minimum and maximum fines prescribed in this Act and the regulations are doubled.

## CHAPTER IX

### MISCELLANEOUS PROVISIONS

**97.** The Government may exempt from all or part of this Act and the regulations all or part of the territory of a municipality situated more than 200 km from a funeral facility specified in the licence of a funeral services business, or any other territory the Government determines.

The Government may also, by regulation, prescribe specific conditions and equipment, hygiene and protection standards for funeral operations in those territories.

**98.** The Minister may, by agreement, entrust all or part of the management of the licences provided for in this Act to a public body.

The public body may then exercise all the powers and responsibilities granted by the Minister in the agreement.

**99.** In order to distribute the examination of applications for the renewal of funeral services business licences over time, the Minister may, when issuing a funeral services business licence for the year (*insert the year that follows the date of coming into force of section 5*) and, later, when issuing new licences, provide that they be valid for a term equal to or less than three years but greater than or equal to one year.

**100.** Cemetery operators have until (*insert the date that is six months after the date of coming into force of section 39*) to declare to the Minister the rooms and equipment they operate for the preservation of bodies.

**101.** A person or partnership who, on 22 October 2015, holds a funeral director's permit for the sole purpose of operating a columbarium and does not operate a cemetery may continue to operate the columbarium. Sections 46 and 48 to 53 then apply to such a person or partnership.

Such a person or partnership may dispose of the columbarium only in favour of a funeral services business or a cemetery operator.

**102.** A person or partnership who, on 22 October 2015, operates a mausoleum situated outside a cemetery may continue to operate the mausoleum and to develop it. Sections 46 and 48 to 50 then apply to such a person or partnership.

**103.** Cemetery operators have until (*insert the date that is six months after the date of coming into force of section 47*) to declare to the Minister the columbariums and mausoleums they operate.

**104.** Despite section 55, a body that, on (*insert the date of coming into force of section 55*), is interred elsewhere than in a lot or mausoleum situated in a cemetery may remain interred there.

**105.** The Minister may require of licensees or cemetery operators that they provide, in the manner and within the time specified, the statistical data, reports and other information, including financial statements, necessary for the discharge of the functions vested in the Minister under this Act, provided it is not possible to link that information to a deceased person.

## CHAPTER X

### AMENDING PROVISIONS

#### CIVIL CODE OF QUÉBEC

**106.** Article 122 of the Civil Code of Québec is amended by replacing “the funeral director who” in the second paragraph by “the funeral services business that”.

**107.** Article 125 of the Code is amended by replacing “a funeral director has taken charge of the body, he” by “a funeral services business has taken charge of the body, it”.

**108.** Article 2441.1 of the Code, enacted by section 48 of chapter 25 of the statutes of 2009, is amended by replacing “to a funeral director holding a permit under the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation and the disposal of human bodies” in the first paragraph by “to a funeral services business holding a licence required under the Funeral Operations Act (2016, chapter 1)”.

#### ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

**109.** Section 3 of the Act respecting prearranged funeral services and sepultures (chapter A-23.001) is amended by replacing “except under the funeral director’s permit required by the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2), unless he is the holder of such a permit” by “without a funeral services business licence issued under the Funeral Operations Act (2016, chapter 1), unless the person holds such a licence”.

**110.** Section 40 of the Act is amended by replacing “a funeral director’s permit or where his permit” in subparagraph 1 of the first paragraph by “a funeral services business licence or where the licence”.

**111.** Section 73 of the Act is amended by replacing “a funeral director’s permit” in paragraph 1 by “a funeral services business licence”.

#### NON-CATHOLIC CEMETERIES ACT

**112.** The Non-Catholic Cemeteries Act (chapter C-17) is repealed.

#### ACT RESPECTING ROMAN CATHOLIC CEMETERY COMPANIES

**113.** Section 37 of the Act respecting Roman Catholic cemetery companies (chapter C-40.1) is repealed.

**114.** Section 38 of the Act is amended by striking out “Subject to the right of the Minister of Health and Social Services as mentioned in section 37,”.

**115.** Section 42 of the Act is amended by replacing “the Burial Act (chapter I-11)” by “the Funeral Operations Act (2016, chapter 1)”.

#### RELIGIOUS CORPORATIONS ACT

**116.** Section 8 of the Religious Corporations Act (chapter C-71) is amended by replacing “the Burial Act (chapter I-11)” in subparagraph *e* of the second paragraph by “the Funeral Operations Act (2016, chapter 1)”.

## PUBLIC CURATOR ACT

**117.** Section 42 of the Public Curator Act (chapter C-81) is amended by replacing “l’incinération” in the second paragraph in the French text by “la crémation”.

## BURIAL ACT

**118.** The Burial Act (chapter I-11) is repealed.

## ACT RESPECTING ADMINISTRATIVE JUSTICE

**119.** Section 25 of the Act respecting administrative justice (chapter J-3) is amended by inserting “0.2,” after “paragraphs” in the second paragraph.

**120.** Section 3 of Schedule I to the Act is amended

(1) by inserting the following paragraph after paragraph 0.1:

“(0.2) proceedings under section 30 of the Funeral Operations Act (2016, chapter 1);”;

(2) by replacing “the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies” in paragraph 6 by “the Act respecting medical laboratories and organ and tissue conservation”.

## ACT RESPECTING MEDICAL LABORATORIES, ORGAN AND TISSUE CONSERVATION AND THE DISPOSAL OF HUMAN BODIES

**121.** The title of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) is amended by replacing “, organ and tissue conservation and the disposal of human bodies” by “and organ and tissue conservation”.

**122.** Section 1 of the Act is amended by striking out subparagraphs *d*, *j* and *p* of the first paragraph.

**123.** The heading of Division II of the Act is replaced by the following heading:

“FUNCTIONS OF THE MINISTER”.

**124.** Sections 32 and 33 of the Act are repealed.

**125.** Section 38 of the Act is amended by striking out the third paragraph.

**126.** Section 40.4 of the Act is repealed.

**127.** Section 43 of the Act is repealed.

**128.** Division VIII of the Act, comprising sections 51 to 53, is repealed.

**129.** Division IX of the Act, comprising sections 54 to 64, is repealed.

**130.** Section 69 of the Act is amended

(1) by replacing “, vacation camp, cremation, embalmer’s or funeral director’s” in subparagraph *b* of the first paragraph by “or vacation camp”;

(2) by striking out subparagraphs *h, l, m, n* and *s* of the first paragraph;

(3) by striking out the second paragraph.

**131.** Section 70 of the Act is repealed.

#### MINING ACT

**132.** Section 144 of the Mining Act (chapter M-13.1) is amended by replacing “within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1) or established as a cemetery in accordance with the Non-Catholic Cemeteries Act (chapter C-17)” in the second paragraph by “governed by the Funeral Operations Act (2016, chapter 1)”.

**133.** Section 235 of the Act is amended by replacing “within the meaning of the Act respecting Roman Catholic cemetery companies (chapter C-40.1), cemeteries established under the Non-Catholic Cemeteries Act (chapter C-17)” in the third paragraph by “governed by the Funeral Operations Act (2016, chapter 1)”.

#### ACT RESPECTING FORILLON PARK AND ITS SURROUNDINGS

**134.** Section 5 of the Act respecting Forillon Park and its surroundings (chapter P-8) is amended

(1) by striking out the last sentence of the first paragraph;

(2) by replacing “, the Non-Catholic Cemeteries Act (chapter C-17) and the Burial Act” in the second paragraph by “and the Funeral Operations Act (2016, chapter 1)”.

#### ANIMAL HEALTH PROTECTION ACT

**135.** Section 11.12 of the Animal Health Protection Act (chapter P-42) is amended by striking out “Division IV.1 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2),” in the second paragraph.

## ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

**136.** Section 1 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2) is amended by replacing “incinération” in the second paragraph in the French text by “crémation”.

**137.** The heading of Division III of Chapter III of the Act is amended by replacing “INCINÉRATION” in the French text by “CRÉMATION”.

**138.** Section 78 of the Act is amended by replacing “Division IX of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)” by “Chapter V of the Funeral Operations Act (2016, chapter 1)”.

**139.** Section 80 of the Act is amended by replacing “Division IX of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)” by “Chapter V of the Funeral Operations Act (2016, chapter 1)”.

## PUBLIC HEALTH ACT

**140.** Section 46 of the Public Health Act (chapter S-2.2) is amended by replacing “the funeral director” in the last paragraph by “the funeral services director of the funeral services business”.

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**141.** The Act respecting health services and social services (chapter S-4.2) is amended by inserting the following sections after section 114:

“**114.1.** A public institution may exercise the responsibilities conferred on it by the Minister under section 73 of the Funeral Operations Act (2016, chapter 1) with respect to the bodies of persons whose death is attested outside a facility maintained by an institution.

“**114.2.** Subject to Chapter V of the Funeral Operations Act (2016, chapter 1), an institution must, if it is responsible for a body donated to an educational institution, take the measures required to deliver the body to that institution.”

**142.** Section 349.1 of the Act is amended by replacing “, organ and tissue conservation and the disposal of human bodies” in subparagraph 2 of the first paragraph by “and organ and tissue conservation”.

## ACT TO AMEND THE MINING ACT

**143.** Section 67 of the Act to amend the Mining Act (2013, chapter 32) is amended by replacing “within the meaning of the Act respecting Roman

Catholic cemetery companies (chapter C-40.1) or established as a cemetery in accordance with the Non-Catholic Cemeteries Act (chapter C-17)” in subparagraph 5 of the first paragraph of section 144, as replaced, by “governed by the Funeral Operations Act (2016, chapter 1)”.

#### OTHER AMENDING PROVISIONS

**144.** In the following provisions, a reference to the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) is replaced by a reference to the Funeral Operations Act (2016, chapter 1):

(1) the first paragraph of section 232 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

(2) the first paragraph of section 219 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02); and

(3) section 408 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

**145.** In the following provisions, a reference to the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies is replaced by a reference to the Act respecting medical laboratories and organ and tissue conservation:

(1) paragraph 2 of section 112, the first paragraph of section 113 and paragraph 4 of section 189 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

(2) paragraph 2 of section 2 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01);

(3) subparagraph *p* of the first paragraph of section 1 of the Health Insurance Act (chapter A-29);

(4) paragraph 10 of section 4 of the Act respecting the sharing of certain health information (chapter P-9.0001);

(5) subparagraph 1 of the first paragraph of section 42 and subparagraph 9 of the first paragraph of section 86 of the Act respecting liquor permits (chapter P-9.1);

(6) the third paragraph of section 13 of the Podiatry Act (chapter P-12);

(7) section 93 of the Environment Quality Act (chapter Q-2); and

(8) section 172 of the Act respecting pre-hospital emergency services (chapter S-6.2).

**146.** Unless the context indicates otherwise, in any text, a reference to the Non-Catholic Cemeteries Act (chapter C-17) or the Burial Act (chapter I-11) is a reference to this Act.

**147.** Section 110 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended by replacing “57 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2)” in the third paragraph by “75 of the Funeral Operations Act (2016, chapter 1)” and “the second paragraph of section 58 of that Act” by “the first paragraph of section 77 of that Act”.

**148.** Section 2 of the Regulation respecting biomedical waste (chapter Q-2, r. 12) is amended by replacing paragraph 1 by the following paragraph:

“(1) a body governed by the Funeral Operations Act (2016, chapter 1);”.

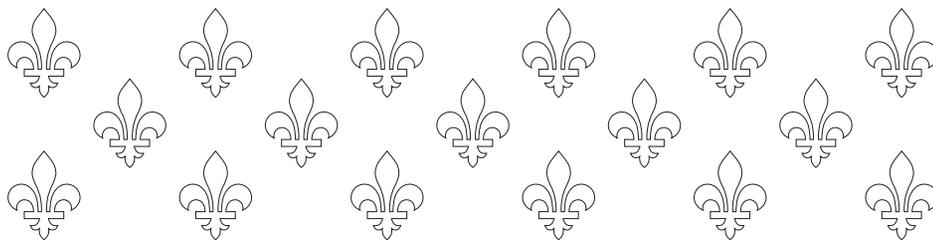
## CHAPTER XI

### FINAL PROVISIONS

**149.** The Minister of Health and Social Services is responsible for the administration of this Act.

**150.** The provisions of this Act come into force on the date or dates to be set by the Government.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 90  
(2016, chapter 2)

## **Appropriation Act No. 1, 2016–2017**

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**Introduced 22 March 2016**  
**Passed in principle 22 March 2016**  
**Passed 22 March 2016**  
**Assented to 23 March 2016**

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**Québec Official Publisher**  
**2016**

## EXPLANATORY NOTES

*This Act authorizes the Government to pay out of the general fund of the Consolidated Revenue Fund, for the 2016–2017 fiscal year, a sum not exceeding \$15,332,397,535.00, representing some 29.7% of the appropriations to be voted for each of the portfolio programs listed in Schedule 1.*

*Moreover, the Act determines the extent to which the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.*

*Lastly, the Act also approves expenditure estimates for a total of \$3,771,398,169.00 and investment estimates for a total of \$545,626,586.00, representing some 28.5% of the expenditure estimates and some 25.1% of the investment estimates for the special funds listed in Schedule 2.*

## Bill 90

### APPROPRIATION ACT NO. 1, 2016–2017

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Government may draw out of the general fund of the Consolidated Revenue Fund a sum not exceeding \$15,332,397,535.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the 2016–2017 fiscal year. The sum is constituted as follows:

(1) a first portion of \$12,916,347,800.00, in appropriations allocated according to the programs listed in Schedule 1, representing 25.0% of the appropriations to be voted in the 2016–2017 Expenditure Budget;

(2) an additional portion of \$2,416,049,735.00, in appropriations allocated according to the programs listed in Schedule 1, representing some 4.7% of the appropriations to be voted in the 2016–2017 Expenditure Budget.

**2.** The Conseil du trésor may authorize the transfer between programs or portfolios of the portion of an appropriation for which provision has been made to that end, for the purposes of and, where applicable, according to the conditions described in the Expenditure Budget.

Furthermore, it may, in cases other than the transfer of a portion of an appropriation referred to in the first paragraph, authorize the transfer of a portion of an appropriation between programs in the same portfolio, provided such a transfer does not increase or decrease the amount of the appropriation authorized by law by more than 10%, excluding, where applicable, the portion of the appropriation for which provision has been made.

**3.** The expenditure and investment estimates for the special funds listed in Schedule 2 are approved for the 2016–2017 fiscal year. These sums are constituted as follows:

(1) a first portion of \$3,302,891,275.00, representing 25.0% of the expenditure estimates in the 2016–2017 Special Funds Budget and an additional portion of \$468,506,894.00, representing some 3.5% of the expenditure estimates in the 2016–2017 Special Funds Budget;

(2) a first portion of \$542,883,400.00, representing 25.0% of the investment estimates in the 2016–2017 Special Funds Budget and an additional portion of \$2,743,186.00, representing some 0.1% of the investment estimates in the 2016–2017 Special Funds Budget.

**4.** This Act comes into force on 23 March 2016.

## SCHEDULE 1

## GENERAL FUND

## AFFAIRES MUNICIPALES ET OCCUPATION DU TERRITOIRE

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Territorial Development	28,971,950.00	
PROGRAM 2		
Municipal Infrastructure Modernization	106,210,400.00	30,189,600.00
PROGRAM 3		
Compensation in Lieu of Taxes and Financial Assistance to Municipalities	152,118,725.00	360,000,000.00
PROGRAM 4		
General Administration	15,591,325.00	
PROGRAM 5		
Promotion and Development of the Metropolitan Region	30,713,850.00	43,070,330.00
PROGRAM 6		
Commission municipale du Québec	835,650.00	
PROGRAM 7		
Housing	107,615,025.00	
PROGRAM 8		
Régie du logement	5,272,800.00	
	447,329,725.00	433,259,930.00

## AGRICULTURE, PÊCHERIES ET ALIMENTATION

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Bio-food Business Development, Training and Food Quality	103,757,650.00	102,501,300.00
PROGRAM 2		
Government Bodies	112,811,975.00	2,373,100.00
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	216,569,625.00	104,874,400.00

## CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Secrétariat du Conseil du trésor	21,810,325.00	
PROGRAM 2		
Government Operations	47,365,825.00	
PROGRAM 3		
Commission de la fonction publique	1,053,825.00	
PROGRAM 4		
Retirement and Insurance Plans	1,111,125.00	
PROGRAM 5		
Contingency Fund	338,705,725.00	
PROGRAM 6		
Promotion and Development of the Capitale-Nationale	13,491,850.00	12,270,000.00
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	423,538,675.00	12,270,000.00

## CONSEIL EXÉCUTIF

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Lieutenant-Governor's Office	189,600.00	
PROGRAM 2		
Support Services for the Premier and the Conseil exécutif	22,254,450.00	
PROGRAM 3		
Canadian Intergovernmental Affairs	3,190,825.00	
PROGRAM 4		
Aboriginal Affairs	66,394,625.00	14,000,000.00
PROGRAM 5		
Youth	9,661,625.00	5,000,000.00
PROGRAM 6		
Access to Information and Reform of Democratic Institutions	2,191,925.00	
PROGRAM 7		
Maritime Affairs	190,075.00	175,000.00
	<hr/>	<hr/>
	104,073,125.00	19,175,000.00

## CULTURE ET COMMUNICATIONS

	<b>First portion</b>	<b>Additional portion</b>
<b>PROGRAM 1</b>		
Internal Management, Centre de conservation du Québec and Conseil du patrimoine culturel du Québec	14,092,725.00	
<b>PROGRAM 2</b>		
Support for Culture, Communications and Government Corporations	149,237,850.00	12,731,880.00
<b>PROGRAM 3</b>		
Charter of the French Language	7,322,400.00	
	<hr/> 170,652,975.00	<hr/> 12,731,880.00

DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET LUTTE  
CONTRE LES CHANGEMENTS CLIMATIQUES

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Environmental Protection	42,136,150.00	3,830,000.00
PROGRAM 2		
Bureau d'audiences publiques sur l'environnement	1,278,275.00	
	<hr/> 43,414,425.00	<hr/> 3,830,000.00

## ÉCONOMIE, SCIENCE ET INNOVATION

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Economic Development and Development of Innovation and Exports	84,156,725.00	13,450,750.00
PROGRAM 2		
Economic Development Fund Interventions	71,359,000.00	
PROGRAM 3		
Research and Innovation Bodies	47,252,875.00	
PROGRAM 4		
Status of Women	2,326,950.00	
	<hr/>	<hr/>
	205,095,550.00	13,450,750.00

## ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Administration	43,071,375.00	
PROGRAM 2		
Support for organizations	17,741,250.00	
PROGRAM 3		
Financial Assistance for Education	219,346,175.00	
PROGRAM 4		
Preschool, Primary and Secondary Education	2,367,919,025.00	931,234,700.00
PROGRAM 5		
Higher Education	1,345,258,650.00	301,639,950.00
PROGRAM 6		
Development of Recreation and Sports	18,530,025.00	4,700,000.00
	4,011,866,500.00	1,237,574,650.00

## ÉNERGIE ET RESSOURCES NATURELLES

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Management of Natural Resources	18,620,175.00	3,000,000.00
	<hr/>	<hr/>
	18,620,175.00	3,000,000.00

## FAMILLE

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Planning, Research and Administration	16,866,450.00	1,250,000.00
PROGRAM 2		
Assistance Measures for Families	543,926,900.00	158,568,100.00
PROGRAM 3		
Condition of Seniors	7,298,975.00	
PROGRAM 4		
Public Curator	12,477,625.00	
	<hr/>	<hr/>
	580,569,950.00	159,818,100.00

## FINANCES

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Department Administration	10,046,325.00	
PROGRAM 2		
Budget and Taxation Policies, Economic Analysis and Administration of Government Financial and Accounting Activities	28,087,000.00	
PROGRAM 3		
Debt Service	1,500,000.00	
	<hr/>	
	39,633,325.00	

## FORÊTS, FAUNE ET PARCS

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Forests	79,349,325.00	55,000,000.00
PROGRAM 2		
Wildlife and Parks	31,322,350.00	15,000,000.00
	<hr/>	<hr/>
	110,671,675.00	70,000,000.00

## IMMIGRATION, DIVERSITÉ ET INCLUSION

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Immigration, Diversity and Inclusion	74,922,825.00	
	<hr/>	
	74,922,825.00	

## JUSTICE

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Judicial Activity	8,249,625.00	179,300.00
PROGRAM 2		
Administration of Justice	71,628,550.00	13,992,700.00
PROGRAM 3		
Administrative Justice	3,629,650.00	3,515,100.00
PROGRAM 4		
Justice Accessibility	45,575,650.00	15,191,900.00
PROGRAM 5		
Bodies Reporting to the Minister	5,826,050.00	941,300.00
PROGRAM 6		
Criminal and Penal Prosecutions	30,677,175.00	2,450,000.00
	<hr/>	<hr/>
	165,586,700.00	36,270,300.00

## PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
The Public Protector	3,769,350.00	
PROGRAM 2		
The Auditor General	7,399,400.00	725,000.00
PROGRAM 4		
The Lobbyists Commissioner	827,250.00	
	<hr/>	<hr/>
	11,996,000.00	725,000.00

## RELATIONS INTERNATIONALES ET FRANCOPHONIE

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
International Affairs	24,253,900.00	
	<hr/>	
	24,253,900.00	

## SANTÉ ET SERVICES SOCIAUX

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Coordination Functions	34,995,275.00	
PROGRAM 2		
Services to the Public	4,638,605,150.00	
PROGRAM 3		
Office des personnes handicapées du Québec	3,166,925.00	
	<hr/>	
	4,676,767,350.00	

## SÉCURITÉ PUBLIQUE

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Security, Prevention and Internal Management	168,193,025.00	11,574,400.00
PROGRAM 2		
Sûreté du Québec	153,024,175.00	140,140,500.00
PROGRAM 3		
Bodies Reporting to the Minister	12,187,025.00	
	<hr/>	<hr/>
	333,404,225.00	151,714,900.00

## TOURISME

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Promotion and Development of Tourism	34,498,700.00	
	<hr/> 34,498,700.00	

TRANSPORTS, MOBILITÉ DURABLE ET ÉLECTRIFICATION DES  
TRANSPORTS

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Infrastructures and Transportation Systems	156,366,475.00	
PROGRAM 2		
Administration and Corporate Services	13,940,675.00	
	<hr/>	
	170,307,150.00	

## TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

	<b>First portion</b>	<b>Additional portion</b>
PROGRAM 1		
Employment Assistance Measures	200,535,975.00	65,000,000.00
PROGRAM 2		
Financial Assistance Measures	732,537,175.00	75,000,000.00
PROGRAM 3		
Administration	115,201,350.00	15,000,000.00
PROGRAM 4		
Labour	4,300,725.00	2,354,825.00
	<hr/>	<hr/>
	1,052,575,225.00	157,354,825.00

## SCHEDULE 2

## SPECIAL FUNDS

## AFFAIRES MUNICIPALES ET OCCUPATION DU TERRITOIRE

	<b>First portion</b>	<b>Additional portion</b>
TERRITORIES DEVELOPMENT FUND		
Expenditure budget	30,280,500.00	
TOTAL	<hr/>	
Expenditure budget	30,280,500.00	

## CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

	<b>First portion</b>	<b>Additional portion</b>
NATURAL DISASTER ASSISTANCE FUND		
Expenditure budget	1,025,325.00	
Investment budget	65,000.00	
	<hr/>	
TOTALS		
Expenditure budget	1,025,325.00	
Investment budget	65,000.00	

## CULTURE ET COMMUNICATIONS

	<b>First portion</b>	<b>Additional portion</b>
AVENIR MÉCÉNAT CULTURE FUND		
Expenditure budget	1,250,000.00	
QUÉBEC CULTURAL HERITAGE FUND		
Expenditure budget	4,610,575.00	
TOTAL	<hr/>	
Expenditure budget	5,860,575.00	

DÉVELOPPEMENT DURABLE, ENVIRONNEMENT ET LUTTE  
CONTRE LES CHANGEMENTS CLIMATIQUES

	<b>First portion</b>	<b>Additional portion</b>
<b>GREEN FUND</b>		
Expenditure budget	216,772,625.00	
Investment budget	1,619,975.00	
<b>TOTALS</b>		
Expenditure budget	216,772,625.00	
Investment budget	1,619,975.00	

## ÉCONOMIE, SCIENCE ET INNOVATION

	<b>First portion</b>	<b>Additional portion</b>
MINING AND HYDROCARBON CAPITAL FUND		
Expenditure budget	118,750.00	
ECONOMIC DEVELOPMENT FUND		
Expenditure budget	103,159,000.00	
TOTAL	<hr/>	
Expenditure budget	103,277,750.00	

## ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

	<b>First portion</b>	<b>Additional portion</b>
SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND		
Expenditure budget	16,831,875.00	
UNIVERSITY EXCELLENCE AND PERFORMANCE FUND		
Expenditure budget	6,250,000.00	
TOTAL		
Expenditure budget	23,081,875.00	

## ÉNERGIE ET RESSOURCES NATURELLES

	<b>First portion</b>	<b>Additional portion</b>
NATURAL RESOURCES FUND		
Expenditure budget	62,619,500.00	12,100,000.00
Investment budget	191,250.00	
TERRITORIAL INFORMATION FUND		
Expenditure budget	28,744,825.00	
Investment budget	10,402,875.00	
TOTALS		
Expenditure budget	91,364,325.00	12,100,000.00
Investment budget	10,594,125.00	

## FAMILLE

	<b>First portion</b>	<b>Additional portion</b>
CAREGIVER SUPPORT FUND		
Expenditure budget	6,820,000.00	9,300,000.00
EDUCATIONAL CHILDCARE SERVICES FUND		
Expenditure budget	581,071,500.00	314,501,300.00
EARLY CHILDHOOD DEVELOPMENT FUND		
Expenditure budget	5,312,500.00	4,687,500.00
TOTAL		
Expenditure budget	593,204,000.00	328,488,800.00

## FINANCES

	<b>First portion</b>	<b>Additional portion</b>
<b>FINANCING FUND</b>		
Expenditure budget	601,700.00	
<b>FUND OF THE BUREAU DE DÉCISION ET DE RÉVISION</b>		
Expenditure budget	680,375.00	
Investment budget	8,750.00	
<b>IFC MONTRÉAL FUND</b>		
Expenditure budget	330,775.00	992,325.00
<b>NORTHERN PLAN FUND</b>		
Expenditure budget	43,753,000.00	75,187,500.00
<b>TAX ADMINISTRATION FUND</b>		
Expenditure budget	215,612,150.00	
<b>TOTALS</b>		
Expenditure budget	260,978,000.00	76,179,825.00
Investment budget	8,750.00	

## FORÊTS, FAUNE ET PARCS

	<b>First portion</b>	<b>Additional portion</b>
NATURAL RESOURCES FUND – SUSTAINABLE FOREST DEVELOPMENT SECTION		
Expenditure budget	129,618,225.00	47,500,000.00
Investment budget	2,500,000.00	
<b>TOTALS</b>		
Expenditure budget	129,618,225.00	47,500,000.00
Investment budget	2,500,000.00	

## JUSTICE

	<b>First portion</b>	<b>Additional portion</b>
<b>ACCESS TO JUSTICE FUND</b>		
Expenditure budget	3,851,500.00	
Investment budget	1,000.00	
<b>FONDS D' AIDE AUX VICTIMES D' ACTES CRIMINELS</b>		
Expenditure budget	6,307,975.00	
Investment budget	20,000.00	
<b>REGISTER FUND OF THE MINISTÈRE DE LA JUSTICE</b>		
Expenditure budget	9,528,950.00	
Investment budget	382,500.00	525,000.00
<b>FUND OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC</b>		
Expenditure budget	10,056,950.00	
Investment budget	291,425.00	
<b>PUBLIC CONTRACTS FUND</b>		
Expenditure budget	1,041,250.00	
<b>TOTALS</b>		
Expenditure budget	30,786,625.00	
Investment budget	694,925.00	525,000.00

## SANTÉ ET SERVICES SOCIAUX

	<b>First portion</b>	<b>Additional portion</b>
<b>FUND TO FINANCE HEALTH AND SOCIAL SERVICES INSTITUTIONS</b>		
Expenditure budget	384,750,000.00	
<b>HEALTH AND SOCIAL SERVICES INFORMATION RESOURCES FUND</b>		
Expenditure budget	52,493,925.00	
Investment budget	4,551,100.00	
<b>FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE</b>		
Expenditure budget	10,042,875.00	
<b>TOTALS</b>		
Expenditure budget	447,286,800.00	
Investment budget	4,551,100.00	

## SÉCURITÉ PUBLIQUE

	<b>First portion</b>	<b>Additional portion</b>
POLICE SERVICES FUND		
Expenditure budget	144,586,450.00	
Investment budget	3,818,900.00	
TOTALS		
Expenditure budget	144,586,450.00	
Investment budget	3,818,900.00	

## TOURISME

	<b>First portion</b>	<b>Additional portion</b>
<b>TOURISM PARTNERSHIP FUND</b>		
Expenditure budget	34,362,350.00	
Investment budget	112,500.00	
<b>TOTALS</b>		
Expenditure budget	34,362,350.00	
Investment budget	112,500.00	

TRANSPORTS, MOBILITÉ DURABLE ET ÉLECTRIFICATION DES  
TRANSPORTS

	<b>First portion</b>	<b>Additional portion</b>
<b>AIR SERVICE FUND</b>		
Expenditure budget	17,992,500.00	
Investment budget	2,500,000.00	
<b>ROLLING STOCK MANAGEMENT FUND</b>		
Expenditure budget	28,975,300.00	
Investment budget	11,237,225.00	
<b>HIGHWAY SAFETY FUND</b>		
Expenditure budget	9,100,000.00	
Investment budget	739,400.00	2,218,186.00
<b>LAND TRANSPORTATION NETWORK FUND</b>		
Expenditure budget	818,758,875.00	
Investment budget	497,700,250.00	
<b>TOTALS</b>		
Expenditure budget	874,826,675.00	
Investment budget	512,176,875.00	2,218,186.00

## TRAVAIL, EMPLOI ET SOLIDARITÉ SOCIALE

	<b>First portion</b>	<b>Additional portion</b>
<b>ASSISTANCE FUND FOR INDEPENDENT COMMUNITY ACTION</b>		
Expenditure budget	5,869,950.00	4,238,269.00
<b>LABOUR MARKET DEVELOPMENT FUND</b>		
Expenditure budget	258,134,875.00	
<b>GOODS AND SERVICES FUND</b>		
Expenditure budget	22,384,325.00	
Investment budget	642,500.00	
<b>INFORMATION TECHNOLOGY FUND OF THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE</b>		
Expenditure budget	5,281,525.00	
Investment budget	5,362,500.00	
<b>ADMINISTRATIVE LABOUR TRIBUNAL FUND</b>		
Expenditure budget	21,207,450.00	
Investment budget	736,250.00	
<b>FONDS QUÉBÉCOIS D'INITIATIVES SOCIALES</b>		
Expenditure budget	2,701,050.00	
<b>TOTALS</b>		
Expenditure budget	315,579,175.00	4,238,269.00
Investment budget	6,741,250.00	



## Regulations and other Acts

Gouvernement du Québec

### O.C. 292-2016, 13 April 2016

An Act respecting contracting by public bodies  
(chapter C-65.1)

#### Supply contracts of public bodies — Amendment

Regulation to amend the Regulation respecting supply contracts of public bodies

WHEREAS, under paragraphs 1, 3 and 6 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may make regulations on the matters set forth therein with respect to supply contracts of public bodies;

WHEREAS, under section 24 of the Act, the conditions for contracts and the cases in which contracts are subject to authorization under the first paragraph of section 23 of the Act may vary in respect of all contracts, certain categories of contracts or certain contracts entered into by a public body or by a category of public bodies designated by regulation;

WHEREAS the Government made the Regulation respecting supply contracts of public bodies (chapter C-65.1, r. 2), which contains, in particular, provisions regarding the soliciting of tenders through a public call for tenders to award a supply contract of a public body;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting supply contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 11 November 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, in accordance with section 23 of the Act respecting contracting by public bodies, the Conseil du trésor recommends that the Regulation be made;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting supply contracts of public bodies, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting supply contracts of public bodies

An Act respecting contracting by public bodies  
(chapter C-65.1, s. 23, pars. 1, 3 and 6, and s. 24)

**1.** The Regulation respecting supply contracts of public bodies (chapter C-65.1, r. 2) is amended by inserting “certain” after “respecting” in the title.

**2.** Section 1 is amended by inserting “except supply contracts referred to in the Regulation respecting contracting by public bodies in the field of information technologies, made by Order in Council 295-2016 dated 13 April 2016” at the end.

**3.** Section 4 is amended

(1) by inserting the following after subparagraph 5.1 of the second paragraph:

“(5.2) if applicable, an indication that tenders may be transmitted electronically and that such transmission may only be done through the electronic tendering system;”;

(2) by inserting “offered” after “acquired,” in the third paragraph.

**4.** Section 5 is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by replacing “any calculation to be applied before awarding the contract” in subparagraph 6 of the first paragraph by “any element used as a basis by the public body

for the purpose of adjusting the price so as to calculate the total acquisition cost referred to in section 15.1.1, and the calculation to be applied”;

(3) by striking out the second paragraph.

**5.** Section 7 is amended

(1) by replacing the first paragraph by the following:

“7. Compliance requirements must set out the cases that will entail the automatic rejection of the tender, namely

(1) the closing date and time for receiving tenders have not been complied with and, in the case of a tender sent in paper form, non-compliance with the place designated for its reception;

(2) the absence of the document evidencing the tenderer’s undertaking or of the document related to the tendered price or, in the case of a tender sent in paper form, the required signature of an authorized person is missing on any of those documents;

(3) the tender is conditional or restrictive;

(4) in the case of a tender transmitted electronically, the fact that the tender was not transmitted through the electronic tendering system or a tender that is unintelligible, infected or otherwise illegible once its integrity has been established by the electronic tendering system;

(5) if the call for tenders includes the acquisition of goods subject to technical specifications or compliance tests, non-compliance with the requirements imposed in that respect; and

(6) any other compliance requirement stated in the tender documents as entailing the automatic rejection of a tender has not been complied with.”;

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

“For the purposes of this paragraph, transmitting the same tender by electronic means and on paper form is considered as the filing of several tenders.”.

**6.** The following is inserted after section 7:

“7.0.1. Compliance requirements must also indicate that, in the case of a tender transmitted electronically whose integrity has not been ascertained, failure to remedy that irregularity within 2 business days following the default notice sent by the public body entails rejection of the tender.

A tender transmitted electronically within the period set in the first paragraph to remedy the faulty integrity of a tender sent previously is substituted for the previous tender as soon as its integrity is ascertained by the public body. That tender is then deemed to have been transmitted before the tender closing date and time.”.

7. Section 9 is amended by adding the following paragraph at the end:

“Provided that it is specified in the tender documents, a public body may reserve the right to not consider a request for details made by a supplier if the request is sent to the public body less than 2 business days before the tender closing date and time.”.

**8.** The following is inserted after section 9.1:

“9.2. A tender may be transmitted electronically only through the electronic tendering system.”.

**9.** The following is inserted after section 10:

“10.1. If a tender is transmitted electronically, the public body must, at the opening of tenders, ascertain the integrity of the tender through the electronic tendering system.”.

**10.** Section 11 is amended

(1) by replacing “à l’endroit prévu, à la date” in the first paragraph of the French text by “à l’endroit prévu ainsi qu’à la date”;

(2) by replacing the second and third paragraphs by the following:

“At the public opening, the public body discloses the names of all the suppliers, including the name of any supplier who transmitted electronically a tender whose integrity has not been ascertained, although such information is subject to verification.

The public body also discloses, subject to the same verification, the respective total price of the tenders. Despite the foregoing, if the integrity of at least one tender transmitted electronically could not be ascertained at the opening, such disclosure takes place instead at the time of the publication provided for in the fourth paragraph.

The public body publishes, within 4 business days, the result of the public opening in the electronic tendering system.”.

**11.** Section 12 is amended by inserting the following after the first paragraph:

“Despite the foregoing, where the tender documents provide for compliance tests, the tests are first carried out in respect of the goods proposed by the supplier who, in the absence of those tests, would be the successful tenderer. The tests are then carried out in respect of the goods proposed by the next supplier only if the goods proposed by the preceding supplier fail to pass the compliance tests and so forth until the tests are successful. However, in the case of a delivery order contract entered into with a number of suppliers, the compliance tests are carried out in respect of the goods proposed by all the suppliers who, except for those tests, would be retained.”

**12.** Section 13 is amended by striking out the second paragraph.

**13.** Section 15 is amended by inserting “at the end of the tendering process,” before “only 1 supplier” in subparagraph 1 of the second paragraph.

**14.** The following is inserted after section 15.1:

**“DIVISION IV.0.1  
TOTAL ACQUISITION COST**

**15.1.1.** To determine the lowest price or the lowest adjusted price for the purpose of awarding a contract under section 13, 18, 22, 23 or 26.1, a public body may consider additional costs related to the acquisition of goods. Those additional costs are added to the tendered or adjusted prices, as applicable, in accordance with section 8 of Schedule 2, so as to establish the total acquisition cost for the public body.

Price adjustment made in accordance with the first paragraph must be based on quantifiable and measurable elements identified in the tender documents. Price adjustment must also be carried out after the filing of tenders according to the information contained in each tender.

For the purposes of this Regulation, the additional costs are the costs not included in the tendered price that would be borne by the public body during the useful life of the goods acquired. They may include installation, maintenance, support and training costs, as well as the costs of any other item deemed relevant by the public body in connection with the goods acquired.

**15.1.2.** Where the public body has considered additional costs in accordance with section 15.1.1 for the purpose of awarding the contract, the public body sends to each tenderer the value of the additional costs concerning the tenderer within 15 days of the contract awarding.”

**15.** Section 18 is amended

(1) by inserting “, in respect of the goods to be acquired,” after “the supplier who” in the first paragraph;

(2) by inserting “for the same goods” at the end of the first paragraph;

(3) by inserting “in respect of the goods to be acquired” after “submitted price” in the second paragraph.

**16.** The following is inserted after section 18:

**“18.1.** A delivery order contract may allow the selected supplier to replace goods referred to in the contract by new goods provided that the new goods comply with the technical specifications required and provided that their price does not exceed the price of the replaced goods.

Where the delivery order contract is entered into with more than one supplier, each of them may reduce the price of the goods referred to in the contract or replace them in accordance with the first paragraph.

The public body must specify in the tender documents the conditions to be met to make such changes as well as the mechanism to inform the other selected suppliers of the changes made by a competing supplier.

For the purposes of section 18, the price of goods reduced by a supplier under the second paragraph becomes the price submitted by the supplier for the goods concerned.”

**17.** Section 20 is replaced by the following:

**“20.** At the public opening of tenders as provided for in section 11, only the name of the suppliers, including the name of any supplier who transmitted electronically a tender whose integrity has not been ascertained, is then disclosed and the result of the opening is published in accordance with the fourth paragraph of that section.”

**18.** Section 26 is amended by adding the following paragraph at the end:

“Moreover, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided within 30 days after the date of receipt of the tenderer’s request.”

**19.** The following is added after Division II of Chapter III:

**“DIVISION III  
CONTRACT AWARDED FOLLOWING A CALL  
FOR TENDERS INVOLVING 2 STAGES**

**26.1.** Despite section 10, a public body may also use a call for tenders in 2 stages to award a supply contract. The second and third paragraphs of section 19 and sections 24 and 25 apply to such call for tenders.

The public body firsts selects suppliers by soliciting solely a quality demonstration in accordance with Schedule 1 or with sections 1 to 7 of Schedule 2. In the latter case, the tender documents must indicate the number of selected suppliers who will be invited to participate in the second stage.

The public body then invites the selected suppliers to submit a tender involving either only a price, or a quality demonstration and a price. In the first case, the public body awards the contract to the supplier who submitted the lower price; in the latter case, the public body applies the quality evaluation conditions in Schedule 2 and awards the contract to the supplier who submitted the lowest adjusted price.

**26.2.** Despite section 11, tenders submitted during the first stage are opened only in the presence of the secretary of the selection committee, or his or her representative, at the designated place and on the closing date and time fixed in the tender documents. The public body publishes in the electronic tendering system the names of the suppliers who participated in that stage within 4 business days following the public opening of the tenders filed at the second stage.

At the second stage, where the selected suppliers are invited to submit a tender including a quality demonstration and a price, the provisions of section 20 apply.

**26.3.** The public body informs each tenderer of the result of the quality evaluation of the tender for each of the stages including such evaluation in which the tenderer took part. Such communication takes place at the time of sending to the tenderers retained after the first stage an invitation to participate in the second stage or within 15 days of the contract awarding, as the case may be.

If Schedule 1 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not; and

(2) the names of the tenderers qualified for the second stage.

If Schedule 2 applies, the particulars sent to tenderers are

(1) confirmation that their tender was accepted or not;

(2) their quality score and, if applicable, their adjusted price and their rank according to the adjusted prices; and

(3) as the case may be, the name of the tenderers qualified for the second stage or the name, quality score and tendered price of the successful tenderer, and the resulting adjusted price.

Moreover, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate the quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided, as the case may be, within 30 days after the date of receipt of the tenderer’s request if the request was sent after the awarding of the contract, or within 30 days after the awarding of the contract if the request was sent before that date.”.

**20.** Division IV of Chapter IV, comprising section 29.1, is revoked.

**21.** Section 32 is amended by inserting “open only to the suppliers of certified goods” at the end.

**22.** Section 39.2 is amended by replacing subparagraph 4 of the third paragraph by the following:

“(4) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 and 3 to 5 of section 39.”.

**23.** The heading of Chapter VIII is amended by replacing “CONDITIONS” by “TERMS”.

**24.** The following is inserted after section 46.1:

“**46.2.** Section 9.2 does not apply to tenders transmitted electronically under a call for tenders for the conclusion of a supply contract by a legal person or by a joint procurement group referred to in section 383 of the Act respecting health services and social services (chapter S-4.2) where the documents related to the tendered price are in the form of a price list whose scope or layout does not make it possible to identify a total price.

Subparagraph 5.2 of the second paragraph of section 4, subparagraph 4 of the first paragraph of section 7 and section 10.1 apply to tenders referred to in the first paragraph, adapted as required.”

#### TRANSITIONAL AND FINAL

**25.** Despite the second paragraph of section 7 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2), as amended by paragraph 2 of section 5 of this Regulation, the transmission, until 31 May 2019, of a same tender electronically and in paper form does not amount to filing more than one tender.

**26.** Until 31 May 2019, when a supplier transmits, under a call for tenders, a same tender electronically and in paper form, the tender transmitted in paper form must be considered by the public body only if the public body cannot ascertain the integrity of the tender transmitted electronically at the opening of tenders, being understood that section 7.0.1 of the Regulation respecting certain supply contracts of public bodies, made by section 6 of this Regulation, does not apply in such case.

**27.** Until 31 May 2019, the second sentence of the third paragraph of section 11 of the Regulation respecting certain supply contracts of public bodies, as amended by paragraph 2 of section 10 of this Regulation, applies only when a tender whose integrity could not be ascertained was not also transmitted in paper form.

**28.** The provisions of sections 2 to 19, 21 and 24 to 27 apply only to calls for tenders for which a notice is published as of 1 June 2016.

**29.** This Regulation comes into force on 1 June 2016.

102565

Gouvernement du Québec

### O.C. 293-2016, 13 April 2016

An Act respecting contracting by public bodies (chapter C-65.1)

#### Service contracts of public bodies

##### —Amendment

Regulation to amend the Regulation respecting service contracts of public bodies

WHEREAS, under paragraphs 1, 3 and 6 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may make regulations on the matters set forth therein with respect to service contracts of public bodies;

WHEREAS the Government made the Regulation respecting service contracts of public bodies (chapter C-65.1, r. 4), which contains, in particular, provisions regarding the soliciting of tenders through a public call for tenders to award a service contract of a public body;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting service contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 11 November 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, in accordance with section 23 of the Act respecting contracting by public bodies, the Conseil du trésor recommends that the Regulation be made;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting service contracts of public bodies, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting service contracts of public bodies

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1, 3 and 6)

**1.** The Regulation respecting service contracts of public bodies (chapter C-65.1, r. 4) is amended by inserting “certain” after “respecting” in the title.

**2.** Section 1 is amended by inserting “except those referred to in the Regulation respecting contracting by public bodies in the field of information technologies, made by Order in Council 295-2016 dated 13 April 2016” at the end.

**3.** Section 4 is amended

(1) by inserting the following after subparagraph 5.1 of the second paragraph:

“(5.2) if applicable, an indication that tenders may be transmitted electronically and that such transmission may only be done through the electronic tendering system;”;

(2) by inserting “offered” after “required,” in the third paragraph.

**4.** Section 5 is amended by striking out subparagraph 2 of the first paragraph, as well as the second paragraph.

**5.** Section 7 is amended

(1) by replacing the first paragraph by the following:

“7. Compliance requirements must specify the cases that will entail the automatic rejection of a tender, namely

(1) the closing date and time for receiving tenders have not been complied with and, in the case of a tender sent in paper form, non-compliance with the place designated for its reception;

(2) the absence of the document evidencing the tenderer’s undertaking or of the document related to the tendered price or, in the case of a tender sent in paper form, the required signature of an authorized person is missing on any of those documents;

(3) the tender is conditional or restrictive;

(4) in the case of a tender transmitted electronically, the fact that the tender was not transmitted through the electronic tendering system or a tender that is unintelligible, infected or otherwise illegible once its integrity has been established by the electronic tendering system;

(5) the fact that the price submitted and the quality demonstration are not presented separately as required by section 16, where applicable; and

(6) any other compliance requirement stated in the tender documents as entailing the automatic rejection of a tender has not been complied with .”;

(2) by inserting the following at the end of the second paragraph:

“For the purposes of this paragraph, transmitting the same tender by electronic means and on paper form is considered as the filing of several tenders.”.

**6.** The following is inserted after section 7:

“7.0.1. Compliance requirements must also indicate that, in the case of a tender transmitted electronically whose integrity has not been ascertained, failure to remedy that irregularity within 2 business days following the default notice sent by the public body entails rejection of the tender.

A tender transmitted electronically within the period set in the first paragraph to remedy the faulty integrity of a tender sent previously is substituted for the previous tender as soon as its integrity is ascertained by the public body. That tender is then deemed to have been transmitted before the tender closing date and time.”.

**7.** Section 9 is amended by adding the following paragraph at the end:

“Provided that it is specified in the tender documents, the public body may reserve the right to not consider a request for details made by a service provider if the request is sent to the public body less than 2 business days before the tender closing date and time.”.

**8.** The following is inserted after section 9.1:

“9.2. A tender may be transmitted electronically only through the electronic tendering system.”.

**9.** The following is inserted after section 10:

“10.1. If a tender is transmitted electronically, the public body must, at the opening of tenders, ascertain the integrity of the tender through the electronic tendering system.”.

**10.** Section 11 is amended

(1) by replacing “à l’endroit prévu, à la date” in the first paragraph of the French text by “à l’endroit prévu ainsi qu’à la date”;

(2) by replacing the second and third paragraphs by the following:

“At the public opening, the public body discloses the names of all the service providers, including the name of any provider who transmitted electronically a tender whose integrity has not been ascertained, although such information is subject to verification.

The public body also discloses, subject to the same verification, the respective total price of the tenders. Despite the foregoing, if the integrity of at least one tender

transmitted electronically could not be ascertained at the opening, such disclosure takes place instead at the time of the publication provided for in the fourth paragraph.

The public body publishes, within 4 business days, the result of the public opening in the electronic tendering system.”.

**11.** Section 15 is amended by inserting “at the end of the tendering process,” before “only one” in subparagraph 1 of the second paragraph.

**12.** Section 17 is replaced by the following:

“17. The provisions of section 10.1 apply to a professional service contract.

The public body publicly opens the tenders in the presence of a witness at the designated place and on the closing date and time fixed in the tender documents.

At the public opening, the public body discloses the names of all the service providers, including the name of any provider who transmitted electronically a tender whose integrity has not been ascertained, although such information is subject to verification.

The public body publishes, within 4 business days, the result of the public opening in the electronic tendering system.”.

**13.** Section 25 is amended by inserting “and applies the provisions of section 10.1” at the end of the third paragraph.

**14.** Section 28 is amended

(1) by replacing “within 15 days after awarding the contract” in the first paragraph by “for each of the stages including such evaluation in which the tenderer participated. Such communication takes place at the time of sending to the tenderers retained after the first stage an invitation to participate in the second stage or within 15 days of the contract awarding, as the case may be.”;

(2) by inserting “as the case may be, the names of the tenderers qualified for the second stage or” before “the name” in subparagraph 2 of the second paragraph;

(3) by inserting “as the case may be, the names of the tenderers qualified for the second stage or” before “the name” in subparagraph 3 of the third paragraph;

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

“Moreover, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate the quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided, as the case may be, within 30 days after the date of receipt of the tenderer’s request if the request was sent after the awarding of the contract, or within 30 days after the awarding of the contract if the request was sent before that date.”.

**15.** Section 31 is replaced by the following:

“31. The public body must indicate in the tender documents the extent of the services that the public body intends to request or, failing that, the approximate monetary value of the contract.”.

**16.** Section 52.2 is amended by replacing subparagraph 4 of the second paragraph by the following:

“(4) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 and 3 to 5 of section 52.”.

**17.** The heading of Chapter VIII is amended by replacing “CONDITIONS” by “TERMS”.

#### TRANSITIONAL AND FINAL

**18.** Despite the second paragraph of section 7 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4), as amended by paragraph 2 of section 5 of this Regulation, the transmission, until 31 May 2019, of a same tender electronically and in paper form does not amount to filing more than one tender.

**19.** Until 31 May 2019, when a service provider transmits, under a call for tenders, a same tender electronically and in paper form, the tender transmitted in paper form must be considered by the public body only if the public body cannot ascertain the integrity of the tender transmitted electronically at the opening of tenders, being understood that section 7.0.1 of the Regulation respecting certain service contracts of public bodies, made by section 6 of this Regulation, does not apply in such case.

**20.** Until 31 May 2019, the second sentence of the third paragraph of section 11 of the Regulation respecting certain service contracts of public bodies, as amended by paragraph 2 of section 10 of this Regulation, applies only when a tender whose integrity could not be ascertained was not also transmitted in paper form.

**21.** The provisions of sections 2 to 15 and 18 to 20 apply only to calls for tenders for which a notice is published as of 1 June 2016.

**22.** This Regulation comes into force on 1 June 2016.

102566

Gouvernement du Québec

## O.C. 294-2016, 13 April 2016

An Act respecting contracting by public bodies  
(chapter C-65.1)

### Construction contracts of public bodies — Amendment

Regulation to amend the Regulation respecting construction contracts of public bodies

WHEREAS, under paragraphs 1, 3 and 6 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may make regulations on the matters set forth therein with respect to construction contracts of public bodies;

WHEREAS the Government made the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5), which contains, in particular, provisions regarding the soliciting of tenders through a public call for tenders to award a construction contract of a public body;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting construction contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 11 November 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, in accordance with section 23 of the Act respecting contracting by public bodies, the Conseil du trésor recommends that the Regulation be made;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting construction contracts of public bodies, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting construction contracts of public bodies

An Act respecting contracting by public bodies  
(chapter C-65.1, s. 23, pars. 1, 3 and 6)

**1.** The Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5) is amended in section 4

(1) by inserting the following after subparagraph 5.1 of the second paragraph:

“(5.2) if applicable, an indication that tenders may be transmitted electronically and that such transmission may only be done through the electronic tendering system;”;

(2) by inserting “offered” after “required,” in the third paragraph.

**2.** Section 5 is amended by striking out subparagraph 2 of the first paragraph, as well as the second paragraph.

**3.** Section 7 is amended

(1) by replacing the first paragraph by the following:

“7. Compliance requirements must specify the cases that will entail the automatic rejection of a tender, namely

(1) the closing date and time for receiving tenders have not been complied with and, in the case of a tender sent in paper form, non-compliance with the place designated for its reception;

(2) the security provided does not comply with the form and conditions required;

(3) the absence of the document evidencing the tenderer’s undertaking or of the document related to the tendered price or, in the case of a tender sent in paper form, the required signature of an authorized person is missing on any of those documents;

(4) the tender is conditional or restrictive;

(5) in the case of a tender transmitted electronically, the fact that the tender was not transmitted through the electronic tendering system or a tender that is unintelligible, infected or otherwise illegible once its integrity has been established by the electronic tendering system; and

(6) any other compliance requirement stated in the tender documents as entailing the automatic rejection of a tender has not been complied with.”;

(2) by inserting the following at the end of the second paragraph:

“For the purposes of this paragraph, transmitting the same tender by electronic means and on paper form is considered as the filing of several tenders.”.

**4.** The following is inserted after section 7:

“**7.0.1.** Compliance requirements must also indicate that, in the case of a tender transmitted electronically whose integrity has not been ascertained, failure to remedy that irregularity within 2 business days following the default notice sent by the public body entails rejection of the tender.

A tender transmitted electronically within the period set in the first paragraph to remedy the faulty integrity of a tender sent previously is substituted for the previous tender as soon as its integrity is ascertained by the public body. That tender is then deemed to have been transmitted before the tender closing date and time.”.

**5.** Section 9 is amended by adding the following paragraph at the end:

“Provided that it is specified in the tender documents, the public body may reserve the right to not consider a request for details made by a contractor if the request is sent to the public body less than 2 business days before the tender closing date and time.”.

**6.** The following is inserted after section 9.1:

“**9.2.** A tender may be transmitted electronically only through the electronic tendering system.”.

**7.** The following is inserted after section 13:

“**13.1.** If a tender is transmitted electronically, the public body must, at the opening of tenders, ascertain the integrity of the tender through the electronic tendering system.”.

**8.** Section 14 is amended

(1) by replacing “à l’endroit prévu, à la date” in the first paragraph of the French text by “à l’endroit prévu ainsi qu’à la date”;

(2) by replacing the second and third paragraphs by the following:

“At the public opening, the public body discloses the names of all the contractors, including the name of any contractor who transmitted electronically a tender whose integrity has not been ascertained, although such information is subject to verification.

The public body also discloses, subject to the same verification, the respective total price of the tenders. Despite the foregoing, if the integrity of at least one tender transmitted electronically could not be ascertained at the opening, such disclosure takes place instead at the time of the publication provided for in the fourth paragraph.

The public body publishes, within 4 business days, the result of the public opening in the electronic tendering system.”.

**9.** Section 18 is amended by inserting “at the end of the tendering process,” before “only one” in subparagraph 1 of the second paragraph.

**10.** Section 30 is replaced by the following:

“**30.** At the public opening of tenders as provided for in section 14, for a contract awarded following quality evaluation, only the name of the contractors, including the name of any contractor who transmitted electronically a tender whose integrity has not been ascertained, is then disclosed and the result of the opening is published in accordance with the fourth paragraph of that section.”.

**11.** Section 32 is amended

(1) by replacing “within 15 days after awarding the contract” in the first paragraph by “for each of the stages including such evaluation in which the tenderer participated. Such communication takes place within 15 days of the contract awarding or at the time of sending to the tenderers retained after the first stage an invitation to participate in the second stage, as the case may be.”;

(2) by inserting “as the case may be, the names of the tenderers qualified for the second stage or” before “the name” in subparagraph 2 of the second paragraph;

(3) by inserting “as the case may be, the names of the tenderers qualified for the second stage or” before “the name” in subparagraph 3 of the third paragraph;

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

“Moreover, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate the quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided, as the case may be, within 30 days after the date of receipt of the tenderer’s request if the request was sent after the awarding of the contract, or within 30 days after the awarding of the contract if the request was sent before that date.”

**12.** Section 42.2 is amended by replacing subparagraph 4 of the third paragraph by the following:

“(4) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 and 3 to 5 of section 42.”

**13.** The heading of Chapter VII is amended by replacing “CONDITIONS” by “TERMS”.

#### TRANSITIONAL AND FINAL

**14.** Despite the second paragraph of section 7 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5), as amended by paragraph 2 of section 3 of this Regulation, the transmission, until 31 May 2019, of a same tender electronically and in paper form does not amount to filing more than one tender.

**15.** Until 31 May 2019, when a contractor transmits, under a call for tenders, a same tender electronically and in paper form, the tender transmitted in paper form must be considered by the public body only if the public body cannot ascertain the integrity of the tender transmitted electronically at the opening of tenders, being understood that section 7.0.1 of the Regulation respecting construction contracts of public bodies, made by section 4 of this Regulation, does not apply in such case.

**16.** Until 31 May 2019, the second sentence of the third paragraph of section 14 of the Regulation respecting construction contracts of public bodies, as amended by paragraph 2 of section 8 of this Regulation, applies only when a tender whose integrity could not be ascertained was not also transmitted in paper form.

**17.** The provisions of sections 1 to 11 and 14 to 16 apply only to calls for tenders for which a notice is published as of 1 June 2016.

**18.** This Regulation comes into force on 1 June 2016.  
102567

Gouvernement du Québec

### O.C. 295-2016, 13 April 2016

An Act respecting contracting by public bodies  
(chapter C-65.1)

#### Contracting by public bodies in the field of information technologies

Regulation respecting contracting by public bodies in the field of information technologies

WHEREAS, under paragraphs 1, 3, 5 to 7, 14 and 15 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may make regulations on the matters set forth therein with respect to contracts of public bodies;

WHEREAS section 24.2 of the Act provides that the Minister of Revenue is responsible for the administration and carrying out of the regulatory provisions made under paragraphs 14 and 15 of section 23 of the Act if so provided in the regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting contracting by public bodies in the field of information technologies was published in Part 2 of the *Gazette officielle du Québec* of 11 November 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, in accordance with section 23 of the Act respecting contracting by public bodies, the Conseil du trésor recommends that the Regulation be made;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting contracting by public bodies in the field of information technologies, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

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## **Regulation respecting contracting by public bodies in the field of information technologies**

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1, 3, 5 to 7, 14 and 15, and s. 24.2)

### **CHAPTER I SCOPE**

**1.** This Regulation applies to supply contracts and service contracts referred to in subparagraphs 1 and 3, respectively, of the first paragraph of section 3 of the Act respecting contracting by public bodies (chapter C-65.1) and to contracts of enterprise that are considered as service contracts under the third paragraph of that section where they are intended for the acquisition of goods or the provision of services in the field of information technologies.

For the purposes of this Regulation, a contract is for the acquisition of goods or the provision of services in the field of information technologies when it seeks preponderantly to ensure or enable functions of information processing and communication by electronic means, including the collection, transmission, display and storage of information.

**2.** For the purposes of this Regulation, the electronic tendering system is the system approved by the Government under section 11 of the Act.

### **CHAPTER II PUBLIC CALL FOR TENDERS PROCESS**

#### **DIVISION I GENERAL**

**3.** A public call for tenders must be made in accordance with the provisions of this Chapter and those of Chapter III.

If a public body makes a public call for tenders to award a contract involving an expenditure below the public tender threshold referred to in subparagraph 1 of the first paragraph of section 10 of the Act, the tender closing date

set out in subparagraph 10 of the second paragraph of section 4, the requirement as to the place of the establishment set out in subparagraph 2 of the first paragraph of section 6, the time for sending an addendum set out in the second paragraph of section 11 and the composition of the selection committee provided for in the second paragraph of section 27 may differ.

In the case of a delivery order contract or a task order contract referred to in Chapter IV, the public call for tenders must, if applicable, comply with the special provisions of that chapter.

#### **DIVISION II PUBLIC CALL FOR TENDERS**

##### *§1. Tender documents*

**4.** Every public call for tenders is made by publishing a notice on the electronic tendering system.

The notice forms part of the tender documents and must specify and contain

- (1) the name of the public body;
- (2) a brief description of the procurement requirements and the place where the goods are to be delivered or the services rendered, as the case may be;
- (3) a brief description of the options, if applicable;
- (4) an indication that a competitive dialogue will be held, if applicable;
- (5) the nature and amount of any required tender security;
- (6) whether or not an intergovernmental agreement within the meaning of section 2 of the Act applies;
- (7) the place where information may be obtained;
- (8) an indication that the tender documents may only be obtained through the electronic tendering system;
- (9) if applicable, an indication that tenders may be transmitted electronically and that such transmission may only be done through the electronic tendering system;
- (10) the place and the closing date and time for the reception and opening of tenders other than tenders filed following a competitive dialogue; the time for receiving tenders may not be less than 15 days after the date on which the notice is published; and

(11) the fact that the public body is not bound to accept any tender.

For the purposes of this Regulation, “option” means an option to renew or an option concerning, as the case may be, the acquisition of additional goods identical to the goods initially acquired, taking into account any technological changes or additional services of the same nature as those initially required, offered at the same price and intended to fulfil the needs referred to in subparagraph 2 of the second paragraph.

**5.** In its tender documents, a public body must provide

(1) a description of the procurement requirements and conditions on which the goods or services are to be delivered or provided, as the case may be;

(2) if applicable, the description of the options;

(3) the eligibility requirements for suppliers or service providers and the compliance requirements for tenders;

(4) a list of the documents or other items required from suppliers or service providers;

(5) the tender opening procedure;

(6) where a quality evaluation of tenders is to be made, the evaluation rules, including the criteria selected and, for the purposes of Schedule 2, their respective weighting;

(7) the contract award rule, including any element used as a basis by the public body for the purpose of adjusting the price so as to calculate the total acquisition cost referred to in section 15, the calculation to be applied before awarding the contract and the conditions governing the competitive dialogue; and

(8) any other particular required under this Regulation.

## §2. Eligibility requirements

**6.** In order to submit a tender, a supplier or a service provider must meet the following eligibility requirements:

(1) have all the necessary qualifications, authorizations, permits, licences, registrations, certificates, accreditations and attestations;

(2) have in Québec or in a territory covered by an applicable intergovernmental agreement an establishment where activities are carried on on a permanent basis, clearly identified under the tenderer’s name and accessible during regular business hours;

(3) meet any other eligibility requirement specified in the tender documents.

Despite subparagraph 2 of the first paragraph, if competition is insufficient, the public body may make eligible any supplier or service provider, as the case may be, that has an establishment in a territory not covered by an applicable intergovernmental agreement, provided that the public body so specifies in the tender documents.

A tenderer who fails to comply with any of those requirements is ineligible.

**7.** Provided that it is specified in the tender documents, a public body may refuse to consider any tenderer who, in the 2 years preceding the tender opening date, has been given an unsatisfactory performance report by the public body, has failed to follow up on a tender or contract, or has had a contract cancelled because of failure to comply with the contract conditions.

## §3. Compliance requirements

**8.** Compliance requirements must specify the cases that will entail the automatic rejection of a tender, namely

(1) the closing date and time for receiving tenders have not been complied with and, in the case of a tender sent in paper form, the place designated for its reception has not been complied with;

(2) the absence of the document evidencing the tenderer’s undertaking or of the document related to the tendered price or, in the case of a tender sent in paper form, the required signature of an authorized person is missing on any of those documents;

(3) the tender is conditional or restrictive;

(4) in the case of a tender transmitted electronically, the fact that the tender was not transmitted through the electronic tendering system or a tender that is unintelligible, infected or otherwise illegible once its integrity has been established by the electronic tendering system;

(5) the fact that the price submitted and the quality demonstration are not presented separately as required by the second paragraph of section 14;

(6) if the call for tenders includes the acquisition of goods subject to technical specifications or compliance tests, non-compliance with the requirements imposed in that respect; or

(7) any other compliance requirement stated in the tender documents as entailing the automatic rejection of a tender has not been complied with.

Compliance requirements must also specify that the filing by a tenderer of several tenders for the same call for tenders entails the automatic rejection of all his or her tenders. For the purposes of this paragraph, transmitting the same tender by electronic means and on paper form is considered as the filing of several tenders.

**9.** Compliance requirements must also indicate that, in the case of a tender transmitted electronically whose integrity has not been ascertained, failure to remedy that irregularity within 2 business days following the default notice sent by the public body entails rejection of the tender.

A tender transmitted electronically within the period set in the first paragraph to remedy the faulty integrity of a tender sent previously is substituted for the previous tender as soon as its integrity is ascertained by the public body. That tender is then deemed to have been transmitted before the tender closing date and time

**10.** Compliance requirements must also specify that a tender with an unusually low price is non-compliant and must be rejected, after authorization from the chief executive officer of the public body pursuant to Division III of Chapter III.

#### *§4. Amendment to and obtention of tender documents*

**11.** A public body may amend the tender documents by means of an addendum sent to the suppliers or service providers concerned by the call for tenders.

If the amendment is likely to affect the prices, the addendum must be sent at least 7 days before the tender closing time; if that 7-day period cannot be complied with, the closing date must be extended by the number of days needed to ensure compliance with the minimum period.

Provided that it is specified in the tender documents, the public body may reserve the right to not consider a request for details made by a supplier or a service provider, as the case may be, if the request is sent to the public body less than 2 business days before the tender closing date and time.

**12.** Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.

#### *§5. Electronic transmission of tender*

**13.** A tender may be transmitted electronically only through the electronic tendering system.

### **CHAPTER III** **AWARDING MODES AND TENDER PROCESSING**

#### **DIVISION I** **AWARDING MODES**

##### *§1. General*

**14.** To award a contract in the field of information technologies, the public body solicits only a price or evaluates the quality of a tender and solicits a price then selects the most economically favorable tender.

Where, for a same stage, a price is solicited and a quality evaluation is to be made, the price and the quality demonstration must be submitted separately to allow for the application of the first paragraph of section 27.

**15.** To determine the lowest price or the lowest adjusted price for the purposes of awarding, under section 16, 17, 18, 22 or 43, a contract including the acquisition of goods, a public body may consider additional costs related to that acquisition. Those additional costs are added to the tendered or adjusted prices, as applicable, in accordance with section 8 of Schedule 2, so as to establish the total acquisition cost for the public body.

Price adjustment made in accordance with the first paragraph must be based on quantifiable and measurable elements identified in the tender documents. Price adjustment must also be carried out after the filing of tenders according to the information contained in each tender.

For the purposes of this Regulation, the additional costs are the costs not included in the tendered price that would be borne by the public body during the useful life of the goods acquired. They may include installation, maintenance, support, configuration, licence, progress, interoperability, training and data migration costs, as well as the costs of any other item deemed relevant by the public body in connection with the goods acquired.

##### *§2. Contract awarded to the lowest price*

**16.** Where only a price is solicited by a public body for the purposes of awarding a contract, the public body awards the contract to the tenderer who submitted the lowest price.

### §3. *Contract awarded following quality evaluation*

**17.** Where, for the purposes of awarding a contract, a public body evaluates the quality of tenders based on the attainment of the minimum quality level, the public body must apply the terms and conditions for evaluation provided for in Schedule 1 and award the contract to the tenderer who submitted the lowest price.

Where, for the same purposes, the public body evaluates the quality of tenders based on the measurement of the quality level followed by the calculation of the quality-price ratio, the public body must apply the terms and conditions for evaluation provided for in Schedule 2 and award the contract to the tenderer who submitted the lowest adjusted price.

### §4. *Contract awarded following a call for tenders involving 2 stages*

**18.** A public body may issue a call for tenders in 2 stages in order to award a contract.

The public body first selects suppliers or service providers by soliciting only a quality demonstration in accordance with Schedule 1 or with sections 1 to 7 of Schedule 2. In the latter case, the tender documents must indicate the number of selected tenderers who will be invited to take part in the second stage.

The public body then invites the selected tenderers to submit a tender including either a price only, or a quality demonstration and a price. In the former case, the public body awards the contract to the tenderer who submitted the lowest price; in the latter case, it applies the terms and conditions for evaluation provided for in Schedule 2 and awards the contract to the tenderer who submitted the lowest adjusted price.

### §5. *Contract awarded following a call for tenders involving a competitive dialogue*

**19.** Where the public body's needs involve a high level of complexity, the public body may, for awarding a contract after the chief executive officer's authorization, issue a call for tenders involving a competitive dialogue.

**20.** The public body first invites suppliers or service providers to file an initial tender so as to evaluate its quality in accordance with sections 1 to 7 of Schedule 2. The evaluation pertains, in particular, to the capacity of each tenderer and each proposed solution to fulfil the public body's needs.

The tender documents must indicate the number of tenderers who will be invited to take part in the competitive dialogue, which number may not be less than 3.

Despite the foregoing, if only 2 tenderers meet the selection criteria, the public body may, after the chief executive officer's authorization, continue the procedure with those tenderers. If only 1 tenderer meets the selection criteria, the public body must cancel the call for tenders.

**21.** The public body then holds a dialogue with each selected tenderer. The dialogue must take place in the presence of an independent process auditor designated by the public body. The auditor's main duty is to ensure that the dialogue is held in a manner that is fair to all tenderers and ensures the transparency of the contracting process under way.

The competitive dialogue is essentially aimed at defining with each selected tenderer a solution likely to fulfil the public body's needs, which solution will be the basis on which each tenderer will be invited to submit a final tender. In particular, the dialogue pertains to the technological means capable of fulfilling the public body's needs, the timetable for providing the services, as well as various contractual terms and conditions.

**22.** After having had a dialogue with each of the selected tenderers, the public body invites them to submit, within the period it sets, a final tender including a price as well as a quality demonstration with regard to the solution discussed and defined during the dialogue.

The public body applies the terms and conditions provided for in Schedule 2, and then awards the contract to the tenderer who submitted the lowest adjusted price.

## DIVISION II TENDER PROCESSING

**23.** If a tender is transmitted electronically, the public body must, at the opening of tenders, ascertain the integrity of the tender through the electronic tendering system.

**24.** When awarding a contract in accordance with section 16 or 17, the public body opens the tenders publicly in the presence of a witness at the designated place and on the date and at the time set in the tender documents, unless the tenders are in the form of a price list whose scope or layout does not make it possible to specify a total price.

At the public opening, the public body discloses the names of all the tenderers, including the name of any tenderer who electronically transmitted a tender whose integrity has not been ascertained, although such information is subject to verification.

Moreover, where the call for tenders concerns the awarding of a contract without quality evaluation, the public body also discloses, subject to the same verification, the respective total price of the tenders. Despite the foregoing, if the integrity of at least one tender transmitted electronically could not be ascertained at the opening, such disclosure takes place instead at the time of the publication provided for in the fourth paragraph.

The public body publishes, within 4 business days, the result of the public opening in the electronic tendering system.

**25.** Where a public body issues a call for tenders involving more than one stage under section 18 or section 19, tenders submitted at the first stage are opened only in the presence of the secretary of the selection committee or his or her representative at the designated place and on the date and at the time set in the tender documents.

The public body publishes on the electronic tendering system the names of the tenderers who have participated in the first stage within 4 business days of the public opening of the tenders submitted at the last stage.

In the case of a call for tenders involving 2 stages, the provisions of section 24 apply, with the necessary modifications, in respect of the tenders submitted at the second stage.

In the case of a call for tenders involving a competitive dialogue, the public body publicly opens the tenders submitted at the last stage in the presence of a witness at the designated place, on the date and at the time set when the selected tenderers are invited to submit a final tender. At the opening, the public body discloses the names of all the tenderers, including the name of any tenderer who electronically transmitted a tender whose integrity has not been established. The public body publishes, within 4 business days, the result of the public opening of tenders in the electronic tendering system.

**26.** The public body evaluates the tenders received, ensuring that the tenderers are eligible and their tenders are compliant.

Despite the foregoing, where the tender documents provide for compliance tests, the tests are first carried out in respect of the goods proposed by the tenderer who, in the absence of those tests, would be the successful tenderer. The tests are then carried out in respect of the goods proposed by the next tenderer only if the goods proposed by the preceding tenderer fail the compliance tests and so forth until the tests are successful. However, in the case of a delivery order contract entered into with a number of

suppliers, the compliance tests are carried out in respect of the goods proposed by all the tenderers who, in the absence of those tests, would be retained.

If the public body rejects a tender because it is not compliant or because the tenderer is ineligible, the public body so informs the tenderer by indicating the reason for rejection not later than 15 days after the contract is awarded. However, if rejection takes place at the first stage of a call for tenders involving more than one stage, the public body so informs the tenderer at the time an invitation to take part in the next stage is sent to the selected providers.

**27.** Tenders submitted for a call for tenders involving a demonstration of quality are evaluated by a selection committee set up for that purpose by the public body. The committee is to evaluate quality without knowing the price submitted.

The selection committee must be composed of a secretary in charge of coordinating activities and of at least 3 members.

**28.** The public body awards the contract in accordance with the provisions of Division I of this Chapter.

The public body may, however, negotiate the price submitted and the price stipulated in the contract may be less than the price submitted if

(1) at the end of the tendering process, only 1 tenderer submitted a compliant tender or, if the contract is awarded following a quality evaluation, only one tenderer submitted an acceptable tender;

(2) the tenderer agreed to a new price; and

(3) it is the only change made to the conditions set in the tender documents or to the tender in the course of the negotiation.

**29.** If several tenderers obtain identical results following a call for tenders, the successful tenderer is determined by a drawing of lots.

**30.** The contract is awarded when the successful tenderer is chosen by the public body or, as the case may be, when the drawing of lots takes place.

**31.** Where, for the purpose of awarding the contract, the public body has considered additional costs in accordance with section 15, the public body sends to each tenderer the value of the additional costs concerning the tenderer within 15 days of the awarding of the contract.

**32.** Where the awarding process includes quality evaluation, the public body informs each tenderer of the results of the tender quality evaluation for each of the stages including such evaluation in which the tenderer has participated. Such communication takes place within 15 days of awarding the contract or, in the case of sections 18 and 20, at the time an invitation to participate in the next stage is sent to the selected tenderers.

If Schedule 1 applies, the particulars sent to tenderers are

- (1) confirmation that their tender was accepted or not; and
- (2) as the case may be, the names of the tenderers qualified for the next stage or the successful tenderer's name and tendered price.

If Schedule 2 applies, the particulars sent to tenderers are

- (1) confirmation that their tender was accepted or not;
- (2) their quality score and, if applicable, adjusted price and rank according to the adjusted prices; and
- (3) as the case may be, the names of the tenderers qualified for the next stage or the successful tenderer's name, quality score, tendered price and the resulting adjusted price.

In addition, on the written request of a tenderer sent within 30 days after the communication made under the first paragraph, the public body must present to the tenderer the results of the tender evaluation for each criterion used to evaluate quality, and briefly set out the reasons justifying the fact that the tender was not accepted. That feedback must be provided, as the case may be, within 30 days after the date of receipt of the tenderer's request if the request was sent after the awarding of the contract, or within 30 days after the awarding of the contract if the request was sent before that date.

### **DIVISION III** **TENDERS WITH AN UNUSUALLY LOW PRICE**

**33.** The price of a tender is unusually low if an extensive and documented analysis by the committee referred to in section 35 shows that the submitted price cannot enable the tenderer to carry out the contract on the conditions set in the tender documents without jeopardizing the performance of the contract.

**34.** Where a public body observes that the price of a tender seems unusually low, the public body requests that the tenderer expose in writing, within 5 days of receiving such request, the reasons warranting such price.

**35.** If the tenderer fails to submit explanations within the period set in section 34 or if, despite the explanations provided, the public body still considers the price to seem unusually low, the public body forwards the tender for analysis to a committee set up for that purpose.

The committee is composed of the contract rules compliance monitor of the public body and at least 3 members designated by the chief executive officer of the public body who are not involved in the awarding process.

The contract rules compliance monitor supervises the committee's work.

**36.** In analyzing the tender, the committee takes the following factors into account:

- (1) the gap between the tendered price and the public body's estimate of the expenditure, which is confirmed by an adequate and rigorous audit;
- (2) the gap between the tendered price and the price tendered by the other tenderers that have submitted a compliant tender;
- (3) the gap between the tendered price and the price paid by the public body, or by another public body, under a similar contract, taking into account the economic context;
- (4) the representations made by the tenderer concerning the existence of particular elements that have an influence on the tendered price, such as
  - (a) the method of manufacturing the goods covered by the call for tenders, and the components forming the goods, or the method of providing the services covered by the call for tenders, as the case may be;
  - (b) the exceptionally favorable circumstances that would help the tenderer in the performance of the contract;
  - (c) the innovative character of the tender;
  - (d) the working conditions of the tenderer's employees or, if applicable, subcontractors;
  - (e) the government financial assistance received by the tenderer.

**37.** The committee states in a report its conclusions and the reasons in support of the committee's conclusions.

If the conclusions are that the tendered price is not unusually low, the contract rules compliance monitor sends a copy of the report to the chief executive officer of the public body.

If the conclusions are that the tendered price is unusually low, the contract rules compliance monitor sends a copy of the report to the tenderer.

**38.** The tenderer may, within 10 days of receiving the report referred to in section 37, send written comments to the contract rules compliance monitor of the public body.

**39.** Having taken cognizance of the comments, if any, the committee decides whether it upholds the conclusions of its report or not.

If the committee does not uphold the conclusions of its report, the contract rules compliance monitor sends a copy of the updated report to the chief executive officer of the public body.

If the committee upholds the conclusions of its report, the contract rules compliance monitor sends a copy of the updated report, if applicable, to the chief executive officer of the public body, who authorizes the rejection of the tender not later than before the expiry of the period of validity of tenders.

**40.** The public body informs the Conseil du trésor of the tenders rejected pursuant to this Division.

## CHAPTER IV SPECIAL RULES FOR AWARDING CONTRACTS

### DIVISION I DELIVERY ORDER CONTRACTS

**41.** A public body may, for a maximum period of 5 years including any renewal, enter into a delivery order contract in the field of information technologies with one or more suppliers when the procurement requirements are recurrent and the quantity of goods and the rate or frequency at which they are acquired are uncertain.

**42.** The public body must indicate in the tender documents the approximate quantities of goods likely to be acquired or, failing that, the approximate monetary value of the contract and, where applicable, the places of delivery.

**43.** If the delivery order contract is entered into with more than one supplier, the orders are directed to the supplier who, in respect of the goods to be acquired, submitted the lowest price, unless the supplier cannot fill the orders, in which case the other suppliers are solicited according to their respective rank for the same goods.

Such orders may, however, be awarded to any of the selected suppliers whose price submitted in respect of the goods to be acquired does not exceed the lowest price by more than 10%, so long as the awarding rule is authorized by the chief executive officer of the public body before the notice of a call for tenders is published.

**44.** A delivery order contract may allow the selected supplier to replace goods covered by the contract by new goods provided that they comply with the technical specifications required and provided that their price does not exceed the price of the replaced goods.

Where the delivery order contract is entered into with more than one supplier, each of them may reduce the price of the goods covered by the contract or replace them in accordance with the first paragraph.

The public body must specify in the tender documents the conditions to be met to make such changes as well as the mechanism to inform the other selected suppliers of the changes made by a competing supplier.

For the purposes of section 43, the price of goods reduced by a supplier under the second paragraph becomes the price submitted by the supplier for the goods concerned.

### DIVISION II TASK ORDER CONTRACTS

**45.** A public body may, for a maximum period of 5 years including any renewal, enter into a task order contract in the field of information technologies with one or more service providers when the procurement requirements are recurrent and the number of requests and the rate or frequency at which they are to be performed are uncertain.

**46.** The public body must indicate in the tender documents the extent of the services that the public body intends to request or, failing that, the approximate monetary value of the contract.

**47.** If the task order contract is entered into with more than one service provider, the performance requests are made to the service provider who submitted the lowest price, unless the provider cannot perform the service, in which case the other providers are solicited according to their respective rank.

## CHAPTER V SPECIAL CONTRACTS

### DIVISION I CONTRACTS FOR THE ACQUISITION OF CLOUD GOODS OR SERVICES

**48.** A contract for the acquisition of cloud goods or services may be entered into by mutual agreement with a supplier or a service provider who, following an interest call issued by the Centre de services partagés du Québec, has concluded a framework agreement with the Centre under Order in Council 923-2015 dated 28 October 2015, as amended, provided that

(1) the contract concerns goods or services referred to in the framework agreement;

(2) the term of the contract does not exceed 3 years including any renewal; and

(3) the supplier or service provider retained by the public body is the one who offers the most advantageous goods or services.

To determine the most advantageous goods or services, the public body must base itself

(1) on the price exclusively; or

(2) after authorization from its chief executive officer, on one or more other criteria related to the object of the contract, such as technological compatibility, the accessibility of the goods or services, performance and technical assistance.

### DIVISION II CONTRACTS RELATING TO RESEARCH AND DEVELOPMENT OR TEACHING

**49.** A supply contract in the field of information technologies relating to research and development or teaching activities may be entered into by mutual agreement where, due to technical or scientific reasons, only one supplier is able to carry it out and there is no other alternate solution or substitute goods.

### DIVISION III CONTRACTS FOR ACTIVITIES ON FOREIGN SOIL

**50.** A contract in the field of information technologies for the activities on foreign soil of a delegation general, a delegation or another form of representation of Québec abroad, established pursuant to section 28 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), may be entered into by mutual

agreement even if it involves an expenditure equal to or above the public tender threshold provided for in section 10 of the Act. The contract is awarded in a manner consistent with the principles stated in section 2 of the Act.

## CHAPTER VI CERTIFICATION OF GOODS

**51.** A public body must certify the goods if it is expedient to ascertain before proceeding with a call for tenders that the goods meet a recognized standard or an established technical specification.

**52.** A public body may use a certification process for goods if

(1) the certification of goods is preceded by a public notice to that effect on the electronic tendering system;

(2) a list of the certified goods is published on the electronic tendering system and every supplier is informed of the goods that are entered on the list or the reason for refusal if entry is denied; and

(3) a public notice of certification is published again at least once a year, even though the public body may certify goods at intervals varying from 1 to 3 years.

**53.** Except in the cases described in section 13 of the Act, every contract in the field of information technologies subsequent to the certification of goods is limited to the certified goods only and, if such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders open only to the suppliers of the certified goods.

## CHAPTER VII QUALIFICATION OF SERVICE PROVIDERS

**54.** A public body may qualify service providers prior to the acquisition process if

(1) the qualification of service providers is preceded by a public notice to that effect on the electronic tendering system indicating, with the necessary modifications, the information provided for in subparagraphs 1, 2 and 6 to 10 of the second paragraph of section 4, except the period for receiving applications for qualification that may not be under 25 days following the date of publication of the public notice of qualification;

(2) a list of the qualified service providers is published on the electronic tendering system and every provider is informed of entry on the list or the reason for refusal if entry is denied;

(3) a public notice of qualification is published again at least once a year so as to allow the qualification of other service providers during the period of validity of the list, which may not exceed 3 years; and

(4) the public notice of qualification must remain accessible in the electronic tendering system for the entire period of validity of the list.

**55.** Where the public body evaluates the quality of applications for qualification, it sets up a selection committee in accordance with the second paragraph of section 27 and applies the evaluation conditions in Schedule 1 or in sections 1 to 7 of Schedule 2.

**56.** Except in the cases described in section 13 of the Act, every contract in the field of information technologies subsequent to the qualification of service providers is limited to qualified providers only and, if such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders only open to those providers.

## CHAPTER VIII CONDITIONS TO BE MET PRIOR TO ENTERING INTO CONTRACTS

### DIVISION I REQUIRED AUTHORIZATION

**57.** Where the expected term of a supply contract or a service contract of a repetitive nature in the field of information technologies, including any renewal, is greater than 3 years, the authorization of the chief executive officer of the public body is required.

That authorization is also required before entering into a contract involving an expenditure equal to or above the public tender threshold if

- (1) only one tenderer submitted a compliant tender; or
- (2) only one tenderer submitted an acceptable tender following a quality evaluation.

In the case provided for in subparagraph 2 of the second paragraph, the selection committee must not know the price and the chief executive officer of the public body is to determine whether or not the awarding process should be continued.

### DIVISION II AFFIRMATIVE ACTION PROGRAM

**58.** This Division applies only to public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

**59.** Where the amount of a contract in the field of information technologies is \$100,000 or more, or where the amount of a subcontract related to such a contract is \$100,000 or more, the contract or subcontract may not be entered into with a Québec supplier, service provider or subcontractor whose business employs more than 100 persons unless the supplier, service provider or subcontractor has made a commitment to implement an affirmative action program that complies with the Charter of human rights and freedoms (chapter C-12) and holds an attestation to that effect issued by the Chair of the Conseil du trésor.

If such a contract or subcontract is to be entered into with a supplier, service provider or subcontractor of another province or territory of Canada in respect of which an employment equity program is applicable, and that supplier, service provider or subcontractor employs more than 100 persons, the supplier, service provider or subcontractor must provide an attestation to the effect that the supplier, service provider or subcontractor has made a commitment to implement an employment equity program complying with the program of its province or territory.

If such a contract or subcontract must be entered into with a supplier, service provider or subcontractor of Québec or of another province or territory of Canada, that is governed by the federal legislation, that employs more than 100 persons and in respect of which a federal employment equity program is applicable, the supplier, service provider or subcontractor must provide an attestation to the effect that the supplier, service provider or subcontractor has made a commitment to implement an employment equity program complying with the federal program.

**60.** The Chair of the Conseil du trésor cancels the attestation issued to a supplier or a service provider referred to in the first paragraph of section 59 who does not fulfil a commitment to implement an affirmative action program.

Any supplier and any service provider whose attestation referred to in section 59 has been cancelled may not enter into a contract with a public body referred to in section 58 or a subcontract related to such a contract as long as a new attestation has not been issued.

### DIVISION III QUALITY ASSURANCE, SUSTAINABLE DEVELOPMENT AND ENVIRONMENT

**61.** A public body may require a quality assurance system, including an ISO standard, or a specification relating to sustainable development and the environment for

the carrying out of a contract in the field of information technologies. The public body must specify the requirement in the tender documents.

If such a requirement unduly reduces competition, the public body must allow any supplier or any service provider to submit a tender and grant to the one that fulfils the requirement referred to in the first paragraph a preferential margin not exceeding 10%. In the latter case, the price submitted by such a supplier or such a service provider is, for the sole purpose of determining the successful tenderer, reduced by the preferential margin, without any effect on the price for contract awarding purposes.

The percentage of the preferential margin to be applied must be indicated in the tender documents.

#### **DIVISION IV** **CERTIFICATE FROM REVENU QUÉBEC**

**62.** Every supplier and service provider interested in entering into a contract in the field of information technologies with a public body involving an expenditure equal to or greater than \$25,000 must hold a certificate from Revenu Québec.

**63.** The certificate from Revenu Québec is issued to every supplier and service provider who, on the date indicated in the certificate, have filed the returns and reports that they had to file under fiscal laws and who have no overdue account payable to the Minister of Revenue, in particular when their recovery has been legally suspended or arrangements have been made with them to ensure payment and they have not defaulted on the payment arrangement.

**64.** The certificate of the supplier or the service provider is valid until the end of the 3-month period following the month in which it was issued.

The certificate must not have been issued after the tender closing date and time or, in the case of a contract by mutual agreement, after the contract award date.

The fact that the supplier or service provider holds a valid certificate issued in accordance with the second paragraph is considered to be an eligibility requirement within the meaning of section 6.

**65.** A supplier or service provider may not submit a certificate from Revenu Québec that contains false or inaccurate information, produce on their own behalf the certificate of a third person, or falsely declare that the supplier or service provider does not hold the required certificate.

**66.** No person may help another person, by an act or omission, to contravene section 65, or encourage, advise, allow, authorize or order the person to contravene that section.

**67.** Section 62 does not apply to a supplier or a service provider that does not have in Québec an establishment where activities are carried on on a permanent basis, clearly identified under their name and accessible during regular business hours.

It does not apply either where a contract in the field of information technologies must be entered into by reason of an emergency that threatens human safety or property.

#### **CHAPTER IX** **INFORMATION TO BE PUBLISHED**

##### **DIVISION I** **CONTRACTS ENTERED INTO FOLLOWING A PUBLIC CALL FOR TENDERS**

**68.** Following a public call for tenders, the public body publishes on the electronic tendering system, within 15 days of the conclusion of the contract in the field of information technologies, the initial description of the contract. That description contains at least

(1) the name of the supplier or service provider or, in the case of a delivery order contract or a task order contract involving several suppliers or service providers, the names of those selected;

(2) the nature of the goods or services covered by the contract;

(3) the date of conclusion of the contract;

(4) one of the following amounts, as applicable:

(a) the amount of the contract;

(b) in the case of a delivery order contract or a task order contract, the estimated amount of the expenditure;

(c) in the case of a delivery order contract or a task order contract involving several suppliers or service providers, the price submitted by each; and

(5) in the case of a contract that involves options, their description and the total amount of the expenditure that will be incurred if all options are exercised.

**69.** Where a contract was entered into following a competitive dialogue, the public body publishes the report of the process auditor in the electronic tendering system within 15 days of the day the contract is entered into.

**70.** The public body publishes on the electronic tendering system any additional expenditure resulting from an amendment to the contract, within 60 days of the amendment, if the initial amount of the contract referred to in section 68 is increased by more than 10%.

The public body then publishes the amount of the additional expenditure, including the expenditures accumulated prior to the expenditure exceeding 10% of the initial amount of the contract and publishes thereafter each additional expenditure.

**71.** The public body also publishes on the electronic tendering system, within 90 days of the end of a contract referred to in section 68, the final description of the contract. That period is extended to 120 days for a contract entered into following a joint call for tenders referred to in section 15 of the Act.

The final description of the contract contains at least

(1) the name of the supplier or service provider, the date of the end of the contract and the total amount paid;

(2) in the case of a delivery order contract or a task order contract involving several suppliers or service providers, their respective names and the total amount paid to each of them;

(3) in the case of a contract that involves options, the type and number of options exercised and the total amount paid following their exercise.

**72.** If a delivery order contract or a task order contract involving several suppliers or service providers involves a price list whose scope or layout does not make it possible to publish the results in accordance with sections 68 to 71, the public body indicates on the electronic tendering system how to obtain the information related to the results.

## DIVISION II CONTRACTS ENTERED INTO BY MUTUAL AGREEMENT OR FOLLOWING AN INVITATION TO TENDER

**73.** The public body publishes on the electronic tendering system, within 30 days of entering into a contract in the field of information technologies involving an expenditure equal to or greater than \$25,000 and entered

into by mutual agreement or following an invitation to tender, an initial description of the contract. That description contains at least

(1) the method for awarding the contract;

(2) the name of the supplier or service provider or, in the case of a delivery order contract or a task order contract involving several suppliers or service providers, the names of those that were retained;

(3) the nature of the goods or services covered by the contract;

(4) the date of conclusion of the contract;

(5) one of the following amounts, as applicable:

(a) the amount of the contract;

(b) in the case of a delivery order contract or a task order contract, the estimated amount of the expenditure;

(c) in the case of a delivery order contract or a task order contract involving several suppliers or service providers, the price submitted by each;

(6) in the case of a contract that involves options, their description and the total amount of the expenditure that will be incurred if all options are exercised; and

(7) in the case of a contract entered into by mutual agreement and involving an expenditure equal to or above the public tender threshold, the provision of the Act or of this Regulation under which the contract was awarded and, in the case of a contract awarded pursuant to subparagraph 4 of the first paragraph of section 13 of the Act, a statement of the reasons invoked in support of excluding the contract from the public call for tenders.

**74.** The public body publishes on the electronic tendering system any additional expenditure resulting from an amendment to the contract, within 60 days of the amendment, if the initial amount of the contract referred to in section 73 is increased by more than 10%.

The public body then publishes the amount of the additional expenditure, including the expenditures accumulated prior to the expenditure exceeding 10% of the initial amount of the contract and publishes thereafter each additional expenditure.

**75.** The public body also publishes on the electronic tendering system, within 90 days of the end of a contract referred to in section 73, a final description of the contract.

That period is increased to 120 days for a contract entered into for the benefit of joint public bodies referred to in section 15 of the Act.

The public body also publishes, within the same period, the final description of any contract that, at the time of its conclusion, was to involve an expenditure lower than \$25,000, but for which the total amount paid is equal to or greater than \$25,000.

The final description of a contract must contain at least

(1) the name of the supplier or service provider, the date of the end of the contract and the total amount paid;

(2) in the case of a delivery order contract or a task order contract involving several suppliers or service providers, their respective names and the total amount paid to each of them;

(3) in the case of a contract that involves options, the type and number of options exercised and the total amount paid following their exercise; and

(4) in the case of a contract referred to in the second paragraph, the other information provided for in paragraphs 1 and 3 to 5 of section 73.

**76.** If a delivery order contract or a task order contract involving several suppliers or service providers involves a price list whose scope or layout does not make it possible to publish the results in accordance with sections 73 to 75, the public body indicates on the electronic tendering system how to obtain the information related to the results.

**77.** Despite sections 73 to 76, no publication is required in the case of a contract involving confidential or protected information within the meaning of subparagraph 3 of the first paragraph of section 13 of the Act.

## CHAPTER X CONTRACT MANAGEMENT CONDITIONS

### DIVISION I SETTLEMENT OF DISPUTES

**78.** The public body and, as the case may be, the supplier or service provider must attempt to amicably settle any difficulty that may arise out of a contract in the field of information technologies by resorting to the dispute resolution clauses in the contract, if any.

If the difficulty cannot be settled in that manner, it may be referred to a court of justice or an adjudicative body, as the case may be, or to an arbitrator. In the latter case,

general or special authorization from the Minister of Justice is required for public bodies referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act.

### DIVISION II PERFORMANCE EVALUATION

**79.** Where the total amount paid for a contract in the field of information technologies is equal to or greater than \$100,000, a public body must record in a report the evaluation of the supplier or service provider. The public body must do the same where the amount is less than \$100,000 insofar as the performance is considered to be unsatisfactory.

**80.** The public body must complete its evaluation not later than 60 days after the end of the contract and send a copy of the evaluation report to the supplier or service provider.

**81.** A supplier or a service provider may forward comments in writing on the evaluation report to the public body within 30 days of receiving the report.

**82.** Within 30 days following receipt of the supplier's or service provider's comments, the chief executive officer of the public body is to uphold or cancel the evaluation and inform the supplier or service provider of the decision. If the chief executive officer fails to act within the prescribed period, the performance evaluation is considered to be modified in accordance with the comments received.

Likewise, where, following an unsatisfactory performance evaluation, the supplier or service provider has made no comments within the period prescribed in section 81, the chief executive officer of the public body must, within 30 days following the expiry of that period, uphold or not the evaluation and so inform the supplier or service provider. If the chief executive officer fails to act within the prescribed period, the performance is considered satisfactory.

Moreover, in the case of a contract for the acquisition of cloud goods or services entered into under section 48, the chief executive officer of the public body is to send to the Centre de services partagés du Québec the supplier's or service provider's evaluation, adjusted, if applicable, in accordance with this section.

### CHAPTER XI OFFENCES

**83.** A violation of section 65 or 66 constitutes an offence.

## CHAPTER XII TRANSITIONAL AND FINAL

**84.** Despite the second paragraph of section 8, the transmission, until 31 May 2019, of a same tender electronically and in paper form does not amount to filing more than one tender.

**85.** Until 31 May 2019, when a tenderer transmits, under a call for tenders, a same tender electronically and in paper form, the tender transmitted in paper form must be considered by the public body only if the public body cannot ascertain the integrity of the tender transmitted electronically at the opening of tenders, being understood that the provisions of section 9 do not apply in such a case.

**86.** Until 31 May 2019, the second sentence of the third paragraph of section 24 applies only if the tender whose integrity could not be ascertained was not also transmitted in paper form.

**87.** Despite the first paragraph of section 64, a supplier's or service provider's first attestation issued after 31 January 2016 and before 1 February 2017 is valid until the end of the period determined in accordance with section 137 of the Act mainly to implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016 (2015, chapter 8).

**88.** The Minister of Revenue is responsible for the administration and enforcement of sections 63, 65, 66 and 83.

**89.** This Regulation comes into force on 1 June 2016, except section 48, which comes into force on 12 May 2016.

### SCHEDULE 1 (ss. 17, 18, 32 and 55)

#### Quality evaluation conditions for a contract award based on the lowest price

- (1) At least 3 criteria are required for quality evaluation.
- (2) The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an "acceptable level of performance", which corresponds to the public body's minimum expectations for the criterion.
- (3) An acceptable tender in terms of quality is a tender that, for each criterion, meets the "acceptable level of performance". A tender that does not reach that level of performance in respect of any criterion is rejected.

### SCHEDULE 2 (ss. 15, 17, 18, 20, 22, 32 and 55)

#### Quality evaluation conditions for a contract award based on the lowest adjusted price or based on the final score for the highest quality

(1) The evaluation grid must have at least 3 quality evaluation criteria.

(2) The public body must specify in the tender documents, for each criterion, the elements of quality required to reach an "acceptable level of performance", which corresponds to the public body's minimum expectations for the criterion.

(3) Each criterion in the evaluation grid is weighted on the basis of its importance for the carrying out of the contract. The total weight of the criteria is 100%.

(4) Each criterion is evaluated on a scale of 0 to 100 points, the "acceptable level of performance" corresponding to 70 points.

(5) At least 70 points may be required in respect of any criterion described in the evaluation grid. A tender that does not reach that minimum is rejected.

(6) The final score for the quality of a tender is the total of the weighted scores obtained in respect of each criterion; the weighted scores are determined by multiplying the score obtained for a criterion by the weight of that criterion.

(7) An acceptable tender in terms of quality is a tender whose final score is at least 70 points.

(8) The price of each acceptable tender is adjusted according to the following formula:

$$\text{Adjusted price} = \frac{\text{Price submitted}}{\text{Quality adjustment factor}}$$

The quality adjustment factor is equal to:

$$1 + K \left( \frac{\text{Final score for quality} - 70}{30} \right)$$

where

"K" is the additional percentage that the public body is willing to pay to move from a 70-point tender to a 100-point tender, for all criteria.

(9) The public body determines in the tender documents the value of K, which must range from 15% to 30% or, in the case of a call for tenders involving a competitive dialogue, 40%.

102568

Gouvernement du Québec

## O.C. 302-2016, 13 April 2016

Securities Act  
(chapter V-1.1)

### System fees for SEDAR and NRD — Regulation 13-102 — Amendment

Regulation to amend the Regulation 13-102 respecting system fees for SEDAR and NRD

WHEREAS subparagraph 9 of the first paragraph of section 331 of the Securities Act (chapter V-1.1) provides that the Autorité des marchés financiers may, by regulation, prescribe the fees payable for any formality provided for in the Act or the regulations and for services rendered by the Authority, and the terms and conditions of payment;

WHEREAS the second paragraph of section 331 of the Act provides that a regulation made under that section is to be submitted to the Government for approval, with or without amendment;

WHEREAS the Government approved the Regulation 13-102 respecting system fees for SEDAR and NRD by Order in Council 955-2013 dated 18 September 2013;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Autorité des marchés financiers made the Regulation to amend the Regulation 13-102 respecting system fees for SEDAR and NRD on 20 October 2015;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation 13-102 respecting system fees for SEDAR and NRD was published in Part 2 of the *Gazette officielle du Québec* of 16 December 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation 13-102 respecting system fees for SEDAR and NRD, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

### Regulation to amend Regulation 13-102 respecting System fees for SEDAR and NRD

Securities Act  
(chapter V-1.1, s. 331, par. (9))

**1.** Regulation 13-102 respecting System fees for SEDAR and NRD (chapter V-1.1, r. 2.1) is amended by inserting, after section 4, the following:

#### “System fees for filings that do not require a principal regulator

**4.1.** (1) A person making a filing of the type described in Column B of Appendix C, and of the category referred to in Column A of that Appendix, must pay the system fee specified in Column C of that Appendix. The system fee is payable to, and allocated among, the securities regulatory authorities with whom the filing is required under Regulation 13-101 respecting System for Electronic Document Analysis and Retrieval (SEDAR) (chapter V-1.1, r. 2).

**2.** Section 8 of the Regulation is amended by inserting, after “4,” “4.1.”

**3.** The Regulation is amended by adding, after Appendix B, the following:

**“APPENDIX C  
OTHER SEDAR SYSTEM FEES  
(for filings that do not require a principal regulator)  
(Section 4.1)**

<b>Item</b>	<b>Column A Category of Filing</b>	<b>Column B Type of Filing</b>	<b>Column C System Fee Payable</b>
1	Investment fund issuers/ exempt market offerings and disclosure	Report of Exempt Distribution	\$25.00
2	Other issuers/ exempt market offerings and disclosure	Report of Exempt Distribution	\$25.00

”.

**4.** This Regulation comes into force on May 24, 2016.

102570

Gouvernement du Québec

**O.C. 307-2016, 13 April 2016**

Professional Code  
(chapter C-26)

**Sexologists  
—Code of ethics of sexologists**

Code of ethics of sexologists

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 professionnel des sexologues du Québec made the Code of ethics of sexologists on 9 November 2015;

WHEREAS, under section 95.3 of the Professional Code, a draft Code of ethics of sexologists 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 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 Code of ethics of sexologists was published in Part 2 of the *Gazette officielle du Québec* of 23 December 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and submitted it to the Government with its recommendation on 12 February 2016;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

## Code of ethics of sexologists

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

### DIVISION I PRELIMINARY

**1.** This Code determines the duties and obligations that must be discharged by sexologists, regardless of the context or manner in which they engage in his professional activities or the nature of their contractual relationship with their clients.

The duties and obligations under the Professional Code (chapter C-26) and its regulations are not modified in any manner owing to the fact that a sexologist carries on professional activities within a partnership or joint-stock company.

**2.** Sexologists may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

**3.** Sexologists must take reasonable measures to ensure that persons who collaborate with them and any partnership or joint-stock company within which they carry on professional activities comply with the Professional Code and its regulations.

**4.** Sexologists may not perform any act or behave in any manner that is contrary to what is generally admissible in the practice of the profession, or that is likely to adversely affect the honour and dignity of the profession or to compromise the public's confidence in the profession.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS CLIENTS, THE PUBLIC AND THE PROFESSION

#### *§1. Quality of professional relationship*

**5.** In their practice, sexologists must show respect for the dignity and freedom of persons and refrain from any form of discrimination.

**6.** Sexologists must refrain from acting in any manner that may affect the physical, mental or emotional integrity of the person with whom they establish a professional relationship.

**7.** Sexologists must act with diligence and availability.

**8.** Sexologists must seek to establish and maintain a relationship of mutual trust between themselves and their clients.

**9.** Sexologists must not interfere in the personal affairs of their clients and must restrict themselves to matters related to the practice of the profession.

**10.** During the professional relationship, sexologists must not establish relations likely to affect the quality of the professional services, or relations of an amorous or sexual nature with a client, and must refrain from making remarks or improper gestures of a sexual nature to a client.

The duration of the professional relationship is determined taking particular account of the nature of the problems and the duration of the professional services provided, the client's vulnerability and the likelihood of having to provide professional services to the client again.

**11.** Sexologists must inform their client as soon as possible of any action, taken in connection with a professional service, that may be prejudicial to the client.

#### *§2. Consent*

**12.** Before providing professional services, sexologists must, except in an emergency, obtain the free and enlightened consent of their client, the client's legal representative or, in the case of a minor under 14 years of age, the person having parental authority or the tutor.

To enable their client to give free and enlightened consent, sexologists must inform the client of and ensure that the client understands

(1) the objective, nature, relevance and main terms of the professional services;

(2) the alternatives to and limits and constraints on the professional service;

(3) the use of information obtained;

(4) the implications of sharing information with third persons or sending a report to third persons; and

(5) the fees, the collection of interest on accounts and the terms of payment.

**13.** Sexologists must ensure that the consent remains free and enlightened throughout the professional relationship.

**14.** Sexologists must acknowledge the client's right to revoke his or her consent at any time.

### §3. Confidential information

**15.** Sexologists must preserve the secrecy of all confidential information that becomes known to them in the practice of their profession.

Sexologists may be released from their obligation of professional secrecy only where so authorized by their client or where so ordered or expressly authorized by law.

In order to obtain the client's authorization, sexologists must inform the client of the use and possible implications of the transmission of information.

**16.** In addition to the cases provided for in section 15, sexologists may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where they have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

Despite the foregoing, sexologists may only communicate the information to a person or persons exposed to the danger or their representative, or to the persons likely to come to that person's aid.

Sexologists may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

**17.** Sexologists who, pursuant to section 16, communicate information protected by professional secrecy to prevent an act of violence must

- (1) communicate the information immediately; and
- (2) enter in the client's record as soon as possible

(a) the reasons supporting the decision to communicate the information; and

(b) the mode and subject of the communication and the name of the person to whom the information was given.

**18.** For the purpose of preserving professional secrecy, sexologists must

(1) refrain from any indiscreet conversation concerning their client and the professional services provided to the client;

(2) take the reasonable means with respect to their colleagues and persons under their supervision;

(3) not disclose that a person has required their professional services;

(4) obtain prior written authorization from the client to make an audio or video recording of an interview or activity; the authorization must specify the subsequent use of the recording and the conditions on which authorization may be revoked and the recording may be destructed; and

(5) not disclose, without authorization, the name of a client when consulting or being supervised by another professional.

**19.** Where sexologists ask a client to disclose confidential information or where they allow a client to disclose such information, they must clearly inform the client of the various uses that could be made of the information.

**20.** Sexologists providing professional services to a couple or a family must preserve each member's right to professional secrecy.

**21.** Sexologists providing professional services to a group must inform the members of the group of the possibility of some aspect of the private life of one of the members or a third person being revealed. They must secure a commitment from the members of the group to preserve the confidentiality of information on the private life of the members or third person.

**22.** Before transmitting a report to a third person, sexologists must obtain explicit authorization from the client after the client has been made aware of the information in the report.

**23.** Sexologists who transmit confidential information, in particular within a multidisciplinary or interdisciplinary team or an institutional program, must limit the transmission to information that is relevant and necessary to achieve the objectives pursued.

**24.** Sexologists may not reveal or communicate the results of an evaluation obtained with measurement instruments or assessment tools without the written authorization of their client.

**25.** Sexologists may not give to a third person, other than another competent professional, any raw, unprocessed data from an assessment or resulting from a consultation in sexology.

**26.** When sexologists cease to perform their professional duties for an employer, they must inform their employer of the confidential information contained in the records for which they were responsible and propose the necessary measures to preserve the confidentiality of such information. If the confidentiality of the information could be compromised, they must notify the secretary of the Ordre professionnel des sexologues du Québec.

#### §4. Accessibility and rectification of records

**27.** Sexologists must respond promptly, at the latest within 30 days of its receipt, to any request made by a client to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

Sexologists may charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Sexologists who intend to charge such fees must inform the client of the approximate amount to be paid before reproducing, transcribing or transmitting the information.

**28.** Sexologists must respond promptly, at the latest within 30 days of its receipt, to any request made by a client to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the client. In addition, sexologists must notify the client of the client's right to make written comments and file them in the record.

Sexologists must give the client, free of charge, a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, give the client an attestation stating that the client's written comments have been filed in the record.

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

**29.** Where a client requests that a copy of his or her record or some information in the record be sent to a third person, the sexologist may provide the information not less than 15 days following the date of the authorization signed by the client to that effect. The client may within that period revoke the authorization. Nevertheless, the client may, in an emergency, renounce the 15-day period.

Where a client is sent a copy of a document in his or her record, or where a client requests that a document be removed from the record or that such a copy or information in the records be sent to a third person, the sexologist must add to the record a note to that effect that is signed by the client and dated.

**30.** A sexologist who denies a client access to information contained in the client's record or who denies a request to correct or delete information in any document concerning the client must provide the client with reasons for the refusal, enter the reasons in the record and inform the client of his or her recourses.

**31.** Sexologists must respond promptly, at the latest within 30 days of its receipt, to any written request from a client to have a document returned to the client.

#### §5. Professional independence and conflict of interest

**32.** Sexologists must act with objectivity and subordinate their personal interests or, where applicable, those of their employer, colleagues, the partnership or joint-stock company within which they carry on professional activities or a third person who pays fees to those of their client.

**33.** Sexologists must safeguard their professional independence at all times, in particular,

(1) by ignoring any intervention by a third person that could influence their professional judgment or the performance of their professional activities to the detriment of their client;

(2) by avoiding to use their professional relationship to obtain for themselves or a third person benefits of any nature; and

(3) by avoiding any real or apparent situation of conflict of interest, including when the interests are such that sexologists may tend to favour certain of them over those of their client, or where their integrity and loyalty towards the client may be affected.

**34.** When sexologists engage in activities which are not related to the profession of sexologist, in particular in connection with an employment, a function, an office or the operation of an enterprise,

(1) they must ensure that those activities do not compromise compliance with this Code; and

(2) they must avoid creating or allowing any ambiguity to persist as to the capacity in which they are acting.

**35.** Sexologists who become aware that they are in a real or apparent conflict of interest must notify their client and take the means necessary to ensure that the situation does not cause prejudice to the client.

**36.** A sexologist acting as an expert may not become the attending sexologist of a person having been the subject of the expertise, unless expressly requested by the person and the sexologist has obtained explicit authorization from any person concerned by the change of role.

**37.** Sexologists must not urge a person insidiously, pressingly or repeatedly to retain their professional services, those of their colleagues or those of the partnership or joint-stock company in which they carry on professional activities, or to participate in research.

**38.** Sexologists must not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

**39.** Sexologists must not issue, out of kindness or for any other reason, inaccurate receipts, falsify or destroy part of or an entire report or record.

**40.** Except for the remuneration to which they are entitled, sexologists may not receive, pay or offer to pay any benefit, rebate or commission relating to the practice of their profession except for customary tokens of appreciation and gifts of small value.

**41.** Sexologists must refrain from exerting pressure to influence the board of directors of the Order, a committee of the Order or any other person acting on behalf of the Order.

#### *§6. Quality of practice*

**42.** Sexologists must discharge their professional obligations with competence, loyalty and integrity.

**43.** Sexologists must avoid any misrepresentation with respect to their competence or the efficiency of their own services or those generally provided by the members of their profession or, where applicable, those generally provided by persons who work with them or who carry on their activities within the same partnership or joint-stock company as them.

**44.** Sexologists must practise their profession in accordance with scientific principles, in keeping with good practice and generally accepted standards.

**45.** Sexologists must ensure the quality of their professional services offered to the public, in particular,

(1) by ensuring that their level of competence is kept up to date and developed;

(2) by assessing the quality of their evaluations and actions; and

(3) by promoting education and information measures in the field in which they practise.

**46.** Before providing professional services, sexologists must evaluate their proficiency, knowledge and the means at their disposal.

**47.** As soon as the interest of their client so requires and after obtaining the client's consent, sexologists must obtain the assistance from another sexologist or another professional, or refer the client to one of them.

**48.** Sexologists must acknowledge the client's right to consult another sexologist, another professional or any other competent person. Sexologists may not, by any means whatsoever, interfere with the client's freedom of choice.

**49.** Sexologists may not issue findings or give opinions or advice unless they have knowledge and sufficient understanding of the facts to do so.

**50.** Sexologists who produce a written or oral report must limit its content to the interpretations, findings and recommendations based on their professional expertise and related to the practice of the profession.

**51.** Sexologists called upon to make an assessment must

(1) clearly inform the person who is being assessed of the person to whom the assessment report is being sent and of the manner in which a copy of the report may be requested;

(2) avoid obtaining any information from that person or making any interpretations or comments not relevant to the assessment; any information received that is unrelated to the assessment must remain confidential; and

(3) limit their report or recommendations and, if applicable, their deposition before the court to information relevant to the assessment.

**52.** Sexologists must refrain from practising their profession if their state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of their professional services or the dignity and image of the profession.

**53.** Provided they comply with this Code, sexologists may communicate information to the media, make public appearances or make public communications, including on a website, blog or online social network, by means of statements, photographs, images or videos.

**54.** Sexologists must assume full personal civil liability. They may not evade or attempt to evade personal civil liability, by any means whatsoever, in particular by invoking the liability of the partnership or joint-stock company within which they carry on their professional activities or that of another person practising within that partnership or joint-stock company or by requesting that their client or the client's representative renounce any recourse in case of professional negligence on their part.

*§7. Tests and assessment tools and material of a sexual nature*

**55.** Sexologists must take the means necessary not to compromise the validity of a test or assessment tool and must not reveal the protocol to their client.

**56.** Sexologists must recognize the inherent limits of the measurement instruments they use and exercise caution in interpreting the material, in particular taking into account

(1) the specific characteristics of the tests or of the client that may interfere with their judgment or affect the validity of their interpretation;

(2) the context of the intervention; and

(3) factors that could affect the validity of the measurement instruments or assessment tools and necessitate changes in the administering of tests or the weighting of standards.

**57.** Sexologists who use material of a sexual nature for educational or therapeutic purposes must comply with the standards of practice and the scientific principles generally recognized in the field. Sexologists must use the material with caution and ensure that

(1) the material of a sexual nature is used after the clientele concerned has been assessed with regard to its receptiveness, development stage, age and cognitive capacity, and after the specific objectives have been determined on the educational or therapeutic plane; and

(2) that each client is informed of the material of a sexual nature to be used and of the objectives pursued through its use.

*§8. Withdrawal of professional services*

**58.** Sexologists may not cease to provide professional services to a client before completing the agreed upon treatment unless they have just and reasonable grounds. Just and reasonable grounds include, in particular:

(1) the inability to establish or maintain a relationship of trust with their client;

(2) lack of benefit to the client from the professional services offered by the sexologist;

(3) the likelihood that maintaining the professional services may, in the sexologist's judgment, become more harmful than beneficial for the client;

(4) the impossibility for the sexologist to maintain a professional relationship with the client, particularly in the presence of a conflict of interest;

(5) inducement by the client to perform illegal, unfair or fraudulent acts or to contravene the provisions of this Code;

(6) non-compliance by the client with the conditions agreed on and the impossibility of entering with the client into a reasonable agreement to reinstate the conditions, including professional fees; and

(7) the sexologist's decision to scale down his or her practice or to put an end to the practice for personal or professional reasons.

**59.** Sexologists who wish to terminate the relationship with a client must give the client reasonable notice and ensure that the withdrawal of the professional services does not cause prejudice to the client or causes as little prejudice as possible. Sexologists must ensure insofar as they are able that the client may continue to obtain the professional services required.

*§9. Professional collaboration and commitment*

**60.** To the extent of their resources, qualifications and experience, sexologists must participate in the development and quality of the profession in particular by accompanying students and by sharing with other sexologists.

To the same extent, sexologists must collaborate with the Order in fulfilling its duties, including its duty to ensure the protection of the public.

**61.** Sexologists consulted by another sexologist must provide their opinion and recommendations within a reasonable time. If unable to do so, they must so notify the other sexologist as quickly as possible.

**62.** Sexologists must not use unfair practices against any person with whom they have a professional relationship or damage the person's reputation or breach the person's trust.

**63.** Sexologists may not take credit for work not performed by them.

**64.** Sexologists must notify the Order of the fact that a person who is not a member is using the title reserved for sexologists or is illegally practising activities reserved for them.

**65.** Sexologists must inform the Order if they suspect that the competence or conduct of another sexologist is derogatory to the honour or dignity of the profession.

**66.** Unless they have serious grounds for refusing, sexologists may not refuse to participate in a council of arbitration of accounts, a disciplinary council, a professional inspection committee or a review committee.

**67.** Sexologists must collaborate and reply to any request made by a syndic, an inspector, a member of the professional inspection committee or the secretary of the Order and sexologists must do so within the time and using the mode of communication determined by them.

**68.** In no circumstances may a sexologist, on being informed of an inquiry into the sexologist's professional conduct or competence or that of the persons who work with the sexologist or who carry on their activities within the same partnership or joint-stock company as the sexologist or on being served with a complaint, communicate with the person who requested the inquiry or made the complaint or with any other person involved in the inquiry or complaint, without the prior written authorization of the syndic.

#### *§10. Research*

**69.** Sexologists who undertake, participate or collaborate in research involving persons must ensure that the project has been approved by a research ethics committee that complies with the standards in force, particularly in regard to the composition of the committee and its operating methods. To that end, sexologists must

(1) inform each of the subjects or representative of the project's objectives and the manner in which it will be conducted and the advantages, risks or disadvantages related to the person's participation;

(2) obtain free and enlightened consent; and

(3) inform the research subject or representative that the consent is revocable at any time.

**70.** Where the carrying out of a research activity is likely to cause prejudice to persons or the community, sexologists who participate in research must advise the research ethics committee or another appropriate authority.

**71.** Sexologists must cease any form of participation in a research activity if the disadvantages for the subjects appear to outweigh the expected benefits.

**72.** Sexologists must not conceal the negative results of research in which they have taken part.

#### *§11. Fees*

**73.** Sexologists must charge and accept fair and reasonable fees warranted by the circumstances and the costs of providing the professional services. To determine their fees, sexologists must consider the following factors:

(1) their experience and particular competence;

(2) the time required to provide the professional services;

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

(4) the performance of professional services that are unusual or provided in unusual conditions;

(5) the performance of professional services that require exceptional competence or celerity;

(6) the disbursements and expenses incurred.

**74.** Sexologists may, by written agreement with the client,

(1) require partial payment if they act as consultants to a client in connection with a long-term contract;

(2) require administrative fees for an appointment missed or cancelled by the client according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees; and

(3) subject to law, charge fees supplementary to those reimbursed by a third person.

**75.** Sexologists must produce an intelligible statement of fees to their clients and provide them with all explanations necessary to an understanding of the statement.

**76.** Outstanding accounts of sexologists bear interest at the rate agreed in advance with their client.

**77.** Before instituting legal proceedings, sexologists must have exhausted all means available to recover their fees and other expenses.

*§12. Obligations and restrictions respecting advertising*

**78.** Sexologists may not use or allow to be used in advertising any endorsement or statement of gratitude in their regard other than awards for excellence and other merits related to the practice of the profession.

**79.** In all advertising, sexologists must refrain from adopting attitudes and methods or using advertising practices likely to impart a mercantile character to the profession.

**80.** All advertising must indicate the sexologist's name along with the professional title. Where there are members of various professions included in the name of a partnership or joint-stock company, the title of each professional must appear.

**81.** Where sexologists reproduce the graphic symbol of the Order for advertising purposes, they must ensure that the symbol conforms to the original held by the Order.

**82.** Where sexologists use the graphic symbol of the Order in their advertising, they may not suggest that such advertising emanates from the Order.

**83.** Sexologists must refrain from participating as sexologists in any form of advertising that recommends that the public buy or use a product or service unrelated to the field of sexology.

**84.** Sexologists must keep a copy of every advertisement for a period of 3 years following the date on which it was last broadcast or published. The copy must be given, on request, to the syndic, an inspector or a member of the professional inspection committee.

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

102571

Gouvernement du Québec

**O.C. 308-2016, 13 April 2016**

Professional Code  
(chapter C-26)

**Specialist's certificates of professional orders  
—Diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders  
—Amendment**

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

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS the Office, before advising the Government and in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, consulted in particular the educational institutions and the order concerned, the Bureau de coopération interuniversitaire and the Minister of Education, Higher Education and Research;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft 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 was published in Part 2 of the *Gazette officielle du Québec* of 16 December 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Government obtained the advice of the Office and that of the Ordre des géologues du Québec;

WHEREAS it is expedient to make the Regulation without amendment;

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

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, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

## 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 1.32 by adding the following after subparagraph f of paragraph 1:

“(g) Baccalauréat en sciences de la Terre et de l’atmosphère, concentration géologie, from the Université du Québec à Montréal;”.

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

102572

Gouvernement du Québec

**O.C. 332-2016, 20 April 2016**

Professional Code  
(chapter C-26)

### Nurses

— **Professional activities which may be performed by persons other than nurses**  
— **Amendment**

Regulation amending the Regulation respecting the professional activities which may be performed by persons other than nurses

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine,

among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with paragraph *h* of section 94, the board of directors of the Ordre des infirmières et infirmiers du Québec has consulted the Collège des médecins du Québec, the Ordre des pharmaciens du Québec, the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec, the Ordre des podiatres du Québec, the Ordre des sages-femmes du Québec, the Ordre professionnel des diététistes du Québec, the Ordre professionnel de la physiothérapie du Québec, the Ordre des ergothérapeutes du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel des technologues médicaux du Québec and the Ordre des inhalothérapeutes du Québec before making the Regulation amending the Regulation respecting the professional activities which may be performed by persons other than nurses;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the 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), the draft Regulation amending the Regulation respecting the professional activities which may be performed by persons other than nurses was published in Part 2 of the *Gazette officielle du Québec* of 7 October 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation on 12 February 2016 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation amending the Regulation respecting the professional activities which may be performed by persons other than nurses, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

## Regulation amending the Regulation respecting the professional activities which may be performed by persons other than nurses

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

**1.** The Regulation respecting the professional activities which may be performed by persons other than nurses (chapter I-8, r. 2) is amended by inserting, in paragraph (2) of section 1, after the word “Montréal”, “, at least 38 credits of the university studies program of the Université du Québec à Trois-Rivières, at least 36 credits of the university studies program of the Université de Sherbrooke”.

**2.** Section 5 of this Regulation is amended by:

(1) inserting “or a private institution under agreement” after the words “public institution” in the text preceding paragraph (1).

(2) replacing paragraph (1) by the following:

“(1) the director of nursing of the institution is in charge of the nursing externship and identifies, for each nursing extern, a nurse to whom she may refer throughout her nursing externship so as to facilitate her integration into the clinical environment and the consolidation of her knowledge;”;

(3) deleting “or the person in charge” in paragraph (3).

**3.** Section 10 of this Regulation is replaced by:

“**10.** A candidate for the profession of nursing may carry out all the professional activities that nurses may perform, with the exception of:

- (1) activities involving a person about to give birth;
- (2) activities involving a client whose state of health is in a critical phase or who requires frequent adjustments;
- (3) community health activities;

(4) initiating diagnostic and therapeutic measures, according to a prescription;

(5) initiating diagnostic measures for the purpose of a screening operation under the Public Health Act (chapter S-2.2);

(6) determining the treatment plan for wounds and alterations of the skin and integuments;

(7) performing vaccinations as part of a vaccination operation under the Public Health Act;

(8) making decisions as to the use of restraint measures;

(9) making decisions as to the use of isolation measures under the Act respecting health services and social services (chapter S-4.2) and the Act respecting health services and social services for Cree Native persons (chapter S-5);

(10) assessing a child not yet admissible to preschool education who shows signs of developmental delay, in order to determine the rehabilitation and adjustment services required;

(11) adjusting the therapeutic nursing plan for the activities described in paragraphs (1) to (10).

A candidate for the profession of nursing may, despite the exception provided in paragraph (7), take part in the vaccination procedure forming part of a vaccination operation under the Public Health Act.

In addition, the exceptions provided in paragraphs (2), (3) and (10) do not apply to a candidate for the nursing profession who holds a university diploma or for whom the Order has recognized an equivalence to this diploma.”.

**4.** Section 11 of this Regulation is replaced by the following:

“**11.** To perform the professional activities provided in section 10, the candidate for the profession of nursing, who holds a registration certificate, shall comply with the following conditions:

(1) she holds an attestation, issued by the Order, that:

(a) she has a diploma giving access to the permit of the Order or she has been granted diploma or training equivalence;

(b) she has informed the Order of the address of her main residence and the contact information for her employer;

(2) she performs these activities for a centre operated by a public institution or a private institution under agreement 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) when the following conditions are met:

(a) the institution has appointed a Director of Nursing, who assumes responsibility for the candidate's performance of the activities;

(b) the institution has rules of care that are issued by the director of nursing;

(c) the director of nursing identifies, for each candidate, a nurse to whom she may refer throughout the performance of her activities so as to facilitate her integration into the clinical environment and the consolidation of her knowledge;

(d) the institution provides an integration program making it possible for the candidate to become familiar with the institution's policies and directives, to consolidate the knowledge and skills necessary to carry out these activities and to demonstrate her ability to perform them;

(3) she has successfully completed the integration program referred to in subparagraph 2(d);

(4) she performs these activities under the supervision of a nurse who is present in the care unit concerned in order to intervene immediately or to respond rapidly to the candidate's request. In community health, she performs these activities under the supervision of a nurse."

**5.** Schedule I of this Regulation is amended by replacing the word "optic" by "otic" in section 6.2.3.

**6.** Schedule II of this Regulation is repealed.

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

102574

## M.O., 2016

### Order number 2016-07 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 15 April 2016

Highway Safety Code  
(chapter C-24.2)

THE MINISTER OF TRANSPORT, SUSTAINABLE  
MOBILITY AND TRANSPORT ELECTRIFICATION

Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de l'assurance automobile du Québec, the Minister of Transport, Sustainable Mobility and Transport Electrification may, by order, authorize pilot projects to test the use of vehicles or to study, improve or develop traffic rules or standards applicable to safety equipment and the Minister may prescribe rules relating to the use of a vehicle on a public highway as part of a pilot project and authorize any person or body to use a vehicle in compliance with standards and rules prescribed by the Minister that are different from those provided in the Code and the regulations;

CONSIDERING the third paragraph of that section, which provides that pilot projects are conducted for a period of up to three years, which the Minister may extend by up to two years if the Minister considers it necessary;

CONSIDERING the fourth paragraph of that section, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.1 of the Code and an order under the second or third paragraph of the section is published in the *Gazette officielle du Québec*;

CONSIDERING that the Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped (chapter C-24.2, r. 37.2) was implemented for the purpose of collecting information on the method of measurement, with a sound level meter, developed to control the sound level of the exhaust system of those vehicles and to validate the parameters used according to that method;

CONSIDERING that the three-year pilot project ends on 16 May 2016 and that it is expedient to extend the project for an additional period of two years, on the same conditions as those described in Order 2012-06 dated 3 July 2012 (2012, *G.O.* 2, 2376), in order to collect more information and be able to develop traffic rules applicable to those vehicles;

CONSIDERING that the Société de l'assurance automobile du Québec was consulted on the extension of the pilot project for an additional period of two years;

ORDERS AS FOLLOWS:

1. The Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped (chapter C-24.2, r. 37.2) is extended for an additional period of two years.

2. This Order comes into force on 16 May 2016. It is revoked on 16 May 2018.

JACQUES DAOUST,  
*Minister of Transport, Sustainable Mobility  
and Transport Electrification*

102575

## M.O., 2016

### Order number 2016-08 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 15 April 2016

Highway Safety Code  
(chapter C-24.2)

THE MINISTER OF TRANSPORT, SUSTAINABLE  
MOBILITY AND TRANSPORT ELECTRIFICATION

Approval of sound level meters and other instruments used as part of the Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de l'assurance automobile du Québec, the Minister of Transport, Sustainable Mobility and Transport Electrification may, by order, authorize pilot projects to test the use of vehicles or to study, improve or develop traffic rules or standards applicable to safety equipment and the Minister may prescribe rules relating to the use of a vehicle on a public highway as part of a pilot project and authorize any person or body to use a vehicle in compliance with standards and rules prescribed by the Minister that are different from those provided in the Code and the regulations;

CONSIDERING the third paragraph of that section, which provides that pilot projects are conducted for a period of up to three years, which the Minister may extend by up to two years if the Minister considers it necessary;

CONSIDERING the fourth paragraph of that section, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.1 of the Code and an order under the second or third paragraph of the section is published in the *Gazette officielle du Québec*;

CONSIDERING that the Order concerning the Approval of sound level meters and other instruments used as part of the Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped (chapter C-24.2, r. 5.3) was made by the Minister of Transport, Sustainable Mobility and Transport Electrification for the purposes of that pilot project and that it ends on 16 May 2016;

CONSIDERING that the Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped (chapter C-24.2, r. 37.2) has been extended for an additional period of two years, on the same conditions as those described in Order 2012-06 dated 3 July 2012 (2012, *G.O.* 2, 2376), by Order 2016-07 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated April 15, 2016;

CONSIDERING that it is expedient, for the purpose of extending the pilot project, to approve again the sound level meters and other instruments approved as part of the pilot project in Order 2014-09 dated 24 July 2014 (2014, *G.O.* 2, 1648) for an additional period of two years;

ORDERS AS FOLLOWS:

1. The following sound level meters and instruments are approved for the implementation of the Pilot project concerning the sound level control of the exhaust system of a motorcycle and moped (chapter C-24.2, r. 37.2):

Sound level meter Instrument	Manufacturer	Model
sound level meter	3M	2100 Remote SLM
calibrator	3M	AC-300 Acoustic Calibrator
combined anemometer, hygrometer and thermometer	Nielsen-Kellerman Co.	Kestrel 3000
tachometer	General Technologies Corp.	TA100

2. This Order comes into force on 16 May 2016. It is revoked on 16 May 2018.

JACQUES DAOUST,  
*Minister of Transport, Sustainable Mobility  
and Transport Electrification*

102576



## Draft Regulations

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### Draft Regulation

Professional Code  
(chapter C-26)

#### Nurses

— **Diplomas which give 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 2.02 of 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) to add to the list of college-level diplomas which give access to the permit of the *Ordre des infirmières et infirmiers du Québec* the diploma of collegiate studies awarded by the Minister of Higher Education following studies completed in the prescribed discipline at the *Gérald-Godin* and *Lionel Groulx* general and vocational colleges.

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 the Order 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, in particular, with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Gina Leblanc, Direction des affaires juridiques, or Michel Ducharme, Direction de la recherche et de l'analyse, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973; email: gina.leblanc@opq.gouv.qc.ca or michel.ducharme@opq.gouv.qc.ca

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

STÉPHANIE VALLÉE,  
*Minister of Justice*

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### 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, 1<sup>st</sup> 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 by inserting “, *Gérald-Godin* and *Lionel Groulx*” after “*Beauce-Appalaches*” in paragraph *a* of section 2.02.

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

102573



## Notices

### Notice

An Act respecting transport infrastructure partnerships  
(chapter P-9.001)

#### **P-15020 Bridge of Highway 25 that spans the Rivière des Prairies — Fee schedule**

In compliance with Article 5 of the Regulations for toll roads operated under a public-private partnership agreement, Concession A25 S.E.C. publishes its Fee Schedule. The following tables constitute the Fee Schedule that will be effective on the P-15020 Bridge of Highway 25 that spans the Rivière des Prairies on June 1<sup>st</sup> 2016.

TOLL CHARGES																
PERIODS	WORKING DAYS								WEEK-ENDS & HOLIDAYS							
	PHAM		OPHD		PHPM		OPHN		PHAM		OPHD		PHPM		OPHN	
HOURS	From	To	From	To	From	To	From	To	From	To	From	To	From	To	From	To
<b>SOUTHBOUND</b>	6:01 AM	9:00 AM	9:01 AM	3:00 PM	3:01 PM	6:00 PM	6:01 PM	6:00 AM			12:00 AM	12:00 PM			12:00 AM	12:00 PM
<b>NORTHBOUND</b>	6:01 AM	9:00 AM	9:01 AM	3:00 PM	3:01 PM	6:00 PM	6:01 PM	6:00 AM			12:00 AM	12:00 PM			12:00 AM	12:00 PM
<b>Category A, rate per axle</b>	\$ 80.00		\$ 80.00		\$ 80.00		\$ 80.00				\$ 80.00				\$ 80.00	
<b>Category B, rate per axle</b>	\$ 1.60		\$ 1.12		\$ 1.60		\$ 1.12				\$ 1.12				\$ 1.12	
<b>Category C, rate per axle</b>	\$ 3.20		\$ 2.24		\$ 3.20		\$ 2.24				\$ 2.24				\$ 2.24	

**PHAM:** Peak Hour - Morning

**OPHD:** Off Peak Hour - Daytime

**PHPM:** Peak Hour - Evening

**OPHN:** Off Peak Hour - Night

TYPE OF VEHICLE	DESCRIPTION
<b>Category A</b>	Any outsized vehicle according to Article 462 of the Highway Safety Code
<b>Category B</b>	Any road vehicle not covered by Category A with a height less than 230 cm
<b>Category C</b>	Any road vehicle not covered by Category A with a height equal to or greater than 230 cm

ADMINISTRATIVE FEES				
	DESCRIPTION	CATEGORY A	CATEGORY B	CATEGORY C
<b>MONTHLY ADMINISTRATIVE FEES FOR EACH VEHICLE REGISTERED TO A USER ACCOUNT IN GOOD STANDING AND EQUIPPED WITH A WORKING TRANSPONDER *</b>				
●	Administrative fees for a customer account using the automatic replenishment method	\$ 1.07	\$ 1.07	\$ 1.07
●	Administrative fees for a customer account using the manual replenishment method	\$ 2.67	\$ 2.67	\$ 2.67
<b>MONTHLY ADMINISTRATIVE FEES FOR EACH VEHICLE REGISTERED TO A USER ACCOUNT IN GOOD STANDING BUT NOT EQUIPPED WITH A TRANSPONDER *</b>				
●	Collection fees for every transit on the A25 Bridge in addition to all toll charges incurred for the vehicle transit	\$ 3.20	\$ 3.20	\$ 3.20
<b>ADMINISTRATIVE FEES FOR ANY TRANSIT OF A VEHICLE UNREGISTERED TO A CUSTOMER ACCOUNT</b>				
●	Administrative fees for the collection of toll charges (first payment request) for every transit on the A25 Bridge, in addition to all toll charges incurred for the vehicle transit	\$ 5.34	\$ 5.34	\$ 5.34
●	Administrative fees related to the collection of toll charges (second toll notice) for every transit on the A25 Bridge in addition to all toll charges and administrative fees incurred for the transit of a vehicle, pursuant to article 17 of the Act respecting transport infrastructure partnerships.	\$ 33.00	\$ 33.00	\$ 33.00

\* Fees that apply to any transit of a vehicle registered to a customer account that is not in good standing are the same fees that apply to any transit of a vehicle that is not registered to a customer account

ADMINISTRATIVE FEES				
	DESCRIPTION	CATEGORY A	CATEGORY B	CATEGORY C
<b>COLLECTION FEES FOR ANY TRANSIT OF A ROAD VEHICLE REGISTERED OUTSIDE THE PROVINCE OF QUEBEC</b>				
●	Administrative fees related to the collection of toll charges (second toll notice) for every transit on the A25 Bridge in addition to all toll charges and administrative fees incurred for the transit of a vehicle, pursuant to article 17 of the Act respecting transport infrastructure partnerships.	\$ 37.35	\$ 37.35	\$ 37.35

INTEREST RATE				
	DESCRIPTION	CATEGORY A	CATEGORY B	CATEGORY C
	Interest rate applied to all amounts that remain unpaid 30 days following the date they become due and payable	Interest rate of 2% per month, compounded monthly **, or 26.8% annually		

\*\* This monthly interest rate cannot exceed the per diem rate for Canadian bankers' acceptance of a month quoted on CDOR page of Reuter's Monitor Service by 10 AM on the date on which the amount becomes payable bearing interest for the first time, which is increased by 4%, in which case the latter rate applies.

DANIEL TOUTANT, eng., M. eng., FSCGC,  
The President and Chief Executive Officer of Concession A25 S.E.C.

102562

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## Erratum

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### Notice

An Act respecting reserved designations  
and added-value claims  
(chapter A-20.03)

### **Notice of recognition of a reserved designation relating to specificity**

*Gazette officielle du Québec*, Part 2, 9 March 2016,  
Vol. 148, No. 10, page 1295.

On page 1295, 11th and 12th paragraphs, “Canadian  
Cow Cheese” should read “Canadienne Cow Cheese”.

102538



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

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