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Part

2

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Laws and Regulations

Volume 149

Summary

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Contents

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- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

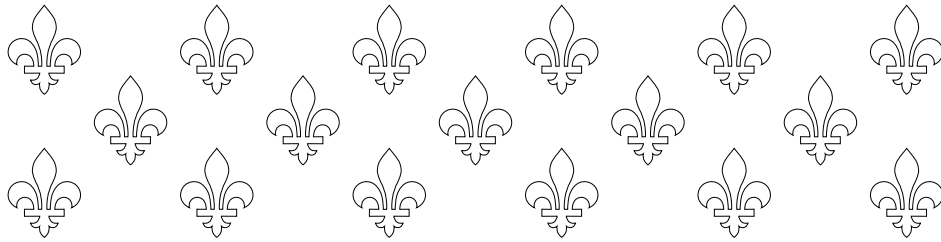
QUÉBEC, 19 OCTOBER 2017

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 19 October 2017*

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

- 133 An Act to make wearing of the uniform by police officers and special constables mandatory in the performance of their duties and respecting the exclusivity of duties of police officers who hold a managerial position (*modified title*)

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



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 133
(2017, chapter 20)

**An Act to make wearing of the uniform by
police officers and special constables
mandatory in the performance of their duties
and respecting the exclusivity of duties of
police officers who hold a managerial position**

**Introduced 27 April 2017
Passed in principle 27 September 2017
Passed 19 October 2017
Assented to 19 October 2017**

EXPLANATORY NOTES

This Act amends the Police Act to introduce the obligation for police officers and special constables to wear the uniform and wear or carry the equipment issued by their employer in the performance of their duties.

A new obligation is also created for police force directors and competent authorities in respect of special constables as regards enforcing those rules.

Moreover, penal sanctions are provided for offences under the new provisions.

Lastly, the Act contains provisions relating to the exclusivity of duties of police officers who hold a managerial position within a police force.

LEGISLATION AMENDED BY THIS ACT:

- Police Act (chapter P-13.1).

REGULATION REPEALED BY THIS ACT:

- By-law respecting uniforms of municipal police forces (R.R.Q., 1981, chapter P-13, r. 18).

Bill 133

AN ACT TO MAKE WEARING OF THE UNIFORM BY POLICE OFFICERS AND SPECIAL CONSTABLES MANDATORY IN THE PERFORMANCE OF THEIR DUTIES AND RESPECTING THE EXCLUSIVITY OF DUTIES OF POLICE OFFICERS WHO HOLD A MANAGERIAL POSITION

AS police officers and special constables are representatives of the law whose mission is to maintain peace, order and public security;

AS police officers and special constables, according to their respective responsibilities, play an essential role in the administration of justice by maintaining good order in courthouses and proper decorum in courtrooms, thus promoting the serenity of judicial hearings and allowing those who are party to judicial proceedings to fully exercise their rights;

AS the uniform of police officers and special constables, a symbol of their authority and credibility, commands the respect they require to accomplish their mission;

AS wearing of the uniform by police officers and special constables makes them unequivocally identifiable, thus helping them to effectively perform their duties and fostering their own and the public's safety;

AS the nature of the duties of police officers who hold a managerial position requires a high level of availability and as such availability is necessary to ensure the efficiency and proper operation of police forces;

AS it is necessary that police officers and special constables wear the full uniform and that police officers who hold a managerial position attend exclusively to the duties of their function in order to enhance public confidence in them and ensure that the highest standards are met in matters of public security in Québec;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

POLICE ACT

1. Section 69 of the Police Act (chapter P-13.1) is amended by adding the following paragraph:

“It may, in those territories, enforce Chapter IV of Title IV.”

2. The heading of Chapter II of Title III of the Act is amended by adding “EXCLUSIVITY OF DUTIES,” before “INCOMPATIBLE”.

3. The Act is amended by inserting the following section before section 117:

“116.1. A police officer who holds a managerial position must attend exclusively to the duties of his or her function. He or she may not hold any other function, office or employment or engage in activities enabling him or her to receive other income from property or a business unless so authorized by the director of the police force. He or she may however engage in teaching activities for which he or she may be remunerated or in activities for which he or she is not remunerated within non-profit organizations.

Any contravention of the first paragraph shall entail the immediate suspension without pay of the police officer concerned. The police officer’s situation must be regularized within six months, on pain of dismissal.

This provision does not apply to police officers to which section 3.0.1 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) applies.”

4. Section 118 of the Act is amended by replacing “other employment or receives other income from the carrying on of a business” in the first paragraph by “any other function, office or employment or receives other income from property or a business”.

5. The Act is amended by inserting the following section after section 120:

“120.1. For the purposes of this chapter, the role assigned to the director of a police force is assigned

(1) to the Minister if the police officer concerned is the Director General of the Sûreté du Québec or the director of the Bureau des enquêtes indépendantes;

(2) to the municipal council if the police officer concerned is the director of a municipal police force; or

(3) to the director’s employer for any other police force.”

6. The Act is amended by inserting the following chapter after section 263:

“CHAPTER IV

“STANDARDS RELATING TO UNIFORMS AND EQUIPMENT

“263.1. Every police officer or special constable must, while performing his or her duties, wear the full uniform and wear or carry all the equipment issued by the employer, without substituting any other element for them. He or she may not alter them, cover them substantially or in a way that hides a significant element or hinder the use for which they are intended.

The first paragraph applies subject to any legislative exemption or any authorization from the director of the police force or from the competent authority in respect of the special constable when the performance of the officer's or constable's duties requires or special circumstances warrant such an exemption or authorization.

“263.2. The competent authority in respect of a special constable is responsible for enforcing this chapter as regards the constable.

“263.3. The director of a police force must send an offence report to the Director of Criminal and Penal Prosecutions without delay if a police officer contravenes this chapter.

The same obligation applies to the competent authority in respect of a special constable.”

7. The Act is amended by inserting the following section after section 313:

“313.1. Every person who contravenes section 263.1 or 263.3 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of \$500 to \$3,000.

The amounts prescribed in the first paragraph are doubled for a subsequent offence.”

8. Section 314 of the Act is amended by adding the following paragraph:

“However, if an association representing police officers or special constables or an officer, representative or employee of such an association is found guilty under this section of assisting or inciting another person to commit an offence under section 313.1, that association, officer, representative or employee is liable to double the penalty prescribed in that section.”

MISCELLANEOUS AND FINAL PROVISIONS

9. The By-law respecting uniforms of municipal police forces (R.R.Q., 1981, chapter P-13, r. 18) is repealed.

10. A police officer who holds a managerial position on (*insert the date of coming into force of section 116.1 of the Police Act (chapter P-13.1), enacted by section 3*) must, within three months following that date, comply with the first paragraph of section 116.1 of the Police Act (chapter P-13.1).

In such a case, the second paragraph of that section 116.1 applies only from the expiry of the time limit specified in the first paragraph of this section.

11. This Act comes into force on 19 October 2017, except sections 2 to 5 and 10, which come into force on the date or dates to be set by the Government.

Regulations and other Acts

Gouvernement du Québec

O.C. 1086-2017, 8 November 2017

An Act respecting financial assistance
for education expenses
(chapter A-13.3)

Financial assistance for education expenses — Amendment

Regulation to amend the Regulation respecting financial assistance for education expenses

WHEREAS, under section 57 of the Act respecting financial assistance for education expenses (chapter A-13.3), the Government may make regulations for the purposes of the Act;

WHEREAS the Government made the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 90 of the Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1), any draft regulation respecting the financial assistance programs established by the Act respecting financial assistance for education expenses must, after consulting the Minister of Education, Recreation and Sports, be submitted to the Comité consultatif sur l'accessibilité financière aux études for its opinion;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting financial assistance for education expenses was published in Part 2 of the *Gazette officielle du Québec* of 19 July 2017 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the consultations required were held and the Comité consultatif sur l'accessibilité financière aux études issued its opinion;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting financial assistance for education expenses, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting financial assistance for education expenses

An Act respecting financial assistance
for education expenses
(chapter A-13.3, s. 57)

1. The Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended in section 2 by replacing “\$1,134” in the second paragraph by “\$1,142”.

2. Section 9 is amended by replacing “\$1,134” in subparagraph 2 by “\$1,142”.

3. Section 17 is amended

(1) by replacing “\$3,020” in paragraph 1 by “\$3,042”;

(2) by replacing “\$2,563” in paragraph 2 by “\$2,582”.

4. Section 18 is amended by replacing “\$2,563” by “\$2,582”.

5. Section 26 is amended

(1) by inserting the following after subparagraph 1:

“(1.1) receives financial assistance granted under a program of financial assistance for education expenses offered by a government department or body;”;

(2) by replacing “\$188” in the second paragraph by “\$278”.

6. Section 29 is amended by replacing the amounts in subparagraphs 1 to 6 of the third paragraph by the following amounts:

- (1) “\$189”;
- (2) “\$189”;
- (3) “\$214”;
- (4) “\$409”;
- (5) “\$467”;
- (6) “\$214”.

7. Section 32 is amended

(1) by replacing “\$392” and “\$837” in the first paragraph by “\$424” and “\$906”;

(2) by replacing “\$175”, “\$217”, “\$620” and “\$217” in the second paragraph by “\$190”, “\$234”, “\$672” and “\$234”.

8. Section 33 is amended

(1) by replacing “\$68” in the first paragraph by “\$172”;

(2) by replacing “\$189” in the second paragraph by “\$475”.

9. Section 34 is amended by replacing “\$277” and “\$1,287” in the first paragraph by “\$279” and “\$1,297”.

10. Section 35 is amended by replacing “\$95” in the second paragraph by “\$96”.

11. Section 36 is amended by replacing “1 return trip” in the second paragraph by “2 return trips”.

12. Section 37 is amended by replacing “\$252” in the fifth paragraph by “\$254”.

13. Section 40 is amended

(1) by replacing “\$73” and “\$584” in the first paragraph by “\$74” and “\$592”;

(2) by adding “who attends an educational institution in Québec” in the second paragraph after “to the student”.

14. Section 41 is amended by replacing “\$187” by “\$188”.

15. Section 45 is amended by adding “and the student was eligible for financial assistance in the form of a bursary during the preceding year of allocation” at the end of the first paragraph.

16. Section 46 is amended by striking out “until the child, if he or she is pursuing studies, has reached the age of 21”.

17. Section 50 is amended

(1) by replacing the amounts in subparagraphs 1 to 3 of the first paragraph by the following amounts, respectively:

- (1) “\$14,719”;
- (2) “\$14,719”;
- (3) “\$17,746”;

(2) by replacing the amounts in subparagraphs 1 to 3 of the third paragraph by the following amounts, respectively:

- (1) “\$3,966”;
- (2) “\$5,020”;
- (3) “\$6,079”.

18. Section 51 is amended

(1) by replacing the amounts in subparagraphs 1 to 5 of the first paragraph by the following amounts, respectively:

- (1) “\$206”;
- (2) “\$226”;
- (3) “\$313”;
- (4) “\$416”;
- (5) “\$416”;

(2) by replacing “\$321 in the third paragraph by “\$323”.

19. Section 52 is amended by replacing “\$970” by “\$977”.

20. Section 54 is amended by adding the following paragraph at the end:

“Despite the foregoing, where the amount of bursary computed in accordance with the first paragraph is less than \$25, assistance is paid in the form of a loan only.”

21. Section 56 is amended by replacing the third paragraph by the following:

“In addition, the student may not receive financial assistance in the form of a loan for more than 63 months if the student pursues studies at the college level, for more than 88 months if the student pursues studies at the university level and for more than 8 months in each cycle if the student is not enrolled in a university course of study.”

22. Section 74 is amended

(1) by replacing “income referred to in Schedules I and II is less, on a monthly basis, than the amount obtained by multiplying the minimum wage set out in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3)” in the first paragraph by “monthly income is less than the amount obtained by adding \$1.75 to the minimum wage set out in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3) and by multiplying that sum”;

(2) by replacing “\$252” and “\$125” in the second paragraph by “\$254” and “\$126”.

23. Section 74.1 is amended by striking out “referred to in Schedules I and II” wherever that expression appears in the second and third paragraphs.

24. The following is added after section 74.1:

“**74.2.** For the purposes of sections 74 and 74.1, the borrower’s monthly income is established by adding up the borrower’s income referred to in Schedules I and II and all the amounts received as bursaries from a public or private organization, except for education savings plans.”

25. Section 82 is amended by replacing “\$35,000”, “\$50,000”, “\$3,020” and “\$2,261” in the second paragraph by “\$43,575”, “\$62,250”, “\$3,042” and “\$2,278”.

26. Section 86 is amended

(1) by replacing the amounts in subparagraphs 1 to 3 of the first paragraph by the following amounts, respectively:

- (1) “\$2.25”;
- (2) “\$3.36”;
- (3) “\$118.11”;

(2) by replacing “\$11.18” in the second paragraph by “\$11.26”.

27. Section 87.1 is amended by replacing “\$382” by “\$385”.

28. Section 93 is amended

(1) by striking out “full-time” in subparagraph 5;

(2) by replacing “any of the preceding paragraphs” in paragraph 9 by “paragraph 1, 5, 6, 7 or 8”.

29. Section 94 is replaced by the following:

“**94.** A student who has been outside Québec for less than 3 years and who, at the time of departure, had been residing in Québec for at least 2 years and was in one of the situations set out in paragraph 1, 2, 3, 5, 6, 7, 8, or 9 of section 93 is deemed to reside in Québec.

Moreover, the student must be pursuing studies outside Québec and be in one of the following situations:

(1) the student’s parents or sponsor have their residence in Québec;

(2) the student’s parents or sponsor had their residence in Québec before their departure from Québec, if they have been outside Québec for less than 3 years;

(3) the student has not interrupted full-time studies for more than 12 consecutive months since the date of the student’s departure.”

30. Section 95 is replaced by the following:

“**95.** No application for financial assistance is accepted more than 30 days after the last month in the year of allocation during which the student is pursuing studies according to the applicable program of financial assistance.”

31. The following is added after section 95:

“**95.1.** All documents required as part of an application for financial assistance for education expenses must be received not later than 29 December following the end of the year of allocation.”

32. Schedule II is amended by adding the following at the end of paragraph 5: “, as a child assistance payment under the Taxation Act (chapter I-3) or as a Canada child benefit under the Income Tax Act (R.S.C. 1985, c. 1 (5th Supp.));”.

33. This Regulation applies as of the 2017-2018 year of allocation, except for sections 28 and 29, which apply as of the 2018-2019 year of allocation.

In addition, sections 93 and 94 of the Regulation respecting financial assistance for education expenses, as they read on 1 September 2017, continue to apply to a student who is a recipient under a financial assistance program for education expenses for the 2017-2018 year of allocation as long as the student remains, without interruption, a recipient under that assistance program for the same course of study.

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

103187

M.O., 2017

Order 2017 014 of the Minister of Health and Social Services dated 9 November 2017

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)

Transfer of certain activities exercised by the Centre hospitalier de l'Université de Montréal in the Hôpital Notre-Dame du CHUM facility to the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the first paragraph of section 181 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) (hereinafter called "the Act"), which provides that the Minister of Health and Social Services must, not later than 1 April 2020, make an order transferring the activities of a general and specialized hospital centre exercised by the Centre hospitalier de l'Université de Montréal in the Hôpital Notre-Dame du CHUM facility, except the specialized and superspecialized activities, to the Centre intégré universitaire de santé et de services sociaux du Centre-Est-de-l'Île-de-Montréal so that it takes on additional activities inherent in the mission of a general and specialized hospital centre;

CONSIDERING the transferred activities which are within the limits of the clinical plan of the Hôpital Notre-Dame facility approved by the Minister of Health and Social Services for the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal;

CONSIDERING the second paragraph of section 181 of the Act, which provides that, on the transfer date specified in the ministerial order, the Centre intégré universitaire de santé et de services sociaux du Centre-Est-de-l'Île-de-Montréal acquires all the movable property relating to the transfer and assumes responsibility for all the activities of the Centre hospitalier de l'Université de Montréal that are transferred to it and all the resulting obligations, including those relating to leases;

CONSIDERING the third paragraph of section 181 of the Act, which provides in particular that, following the transfer of the immovable and in order to allow the Centre hospitalier de l'Université de Montréal to use certain facilities it needs to continue exercising its specialized and superspecialized activities, the ministerial order sets out the terms under which space may be leased in that immovable between the two institutions;

CONSIDERING the additional letters patent issued by the enterprise registrar dated 5 August 2015 under number 8870844303, the name of the Centre intégré universitaire de santé et de services sociaux du Centre-Est-de-l'Île-de-Montréal was changed for Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal;

CONSIDERING that it is expedient to determine the terms and conditions according to which the transfer of activities must be carried out;

ORDERS AS FOLLOWS:

DATE OF TRANSFER

1. The transfer takes place on 27 November 2017.

ACTIVITIES TRANSFERRED

2. The activities transferred are those listed in Schedule I and exercised by the Centre hospitalier de l'Université de Montréal in the Hôpital Notre-Dame du CHUM facility.

TERMS AND CONDITIONS OF TRANSFER

3. As of the transfer date, the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal must carry on, in the Hôpital Notre-Dame facility, the transferred activities identified in Schedule I, the whole in accordance with the terms and conditions provided for in the transfer agreement to be entered between the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal and the Centre hospitalier de l'Université de Montréal not later than the transfer date.

4. To that end, the Centre hospitalier de l'Université de Montréal must transfer, by gratuitous title, to the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal, not later than the transfer date, the following immovables:

(1) the immovable known and designated as being composed of the Deschamps, Lachapelle, Champlain and Mailloux pavilions of the Hôpital Notre-Dame du CHUM, situated at 1560, rue Sherbrooke Est, in Montréal;

(2) the immovable known and designated as the Louis-Charles Simard pavilion of the Hôpital Notre-Dame du CHUM, situated at 2065, rue Alexandre-DeSève, in Montréal;

(3) the immovable known and designated as the J.A DeSève pavilion of the Hôpital Notre-Dame du CHUM, situated at 2099, rue Alexandre-DeSève, in Montréal.

5. Following the transfer, the Centre hospitalier de l'Université de Montréal will use the premises identified in Schedule II to continue the exercise of the activities and services identified in that Schedule, in consideration of one dollar (\$1.00) and in accordance with the other terms and conditions provided for in the lease agreement to be entered into by the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal and the Centre hospitalier de l'Université de Montréal not later than on the transfer date.

6. The Centre hospitalier de l'Université de Montréal must transfer, by gratuitous title, to the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal, on the transfer date, all the movable property used to exercise the activities identified in Schedule I and situated in the Hôpital Notre-Dame du CHUM facility on that date.

7. The Centre hospitalier de l'Université de Montréal must provide the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal, as soon as possible before the transfer date, with

- (1) a list of the transferred employees;
- (2) a list of the transferred movable property;
- (3) a list of the physicians, dentists and pharmacists whose privileges are affected by the transfer, if applicable;
- (4) a list of the users awaiting treatment and consultation who are concerned by the transferred activities.

It must also give the following documents to the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal, not later than the transfer date:

(1) a computerized copy of the integral record of each user receiving services to which the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal will have access only with the prior authorization of the user concerned, except in case of emergency;

(2) a copy of the integral record of each transferred employee.

8. The Centre hospitalier de l'Université de Montréal must do and perform, at the expense of the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal, any deed, title, document and thing that could reasonably be required by the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal for the carrying out of the transfer.

Québec, on 9 November 2017

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

SCHEDULE I**List of activities exercised at Hôpital Notre-Dame du CHUM transferred to the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal by the Centre hospitalier de l'Université de Montréal**

The transferred activities are activities currently exercised at Hôpital Notre-Dame du CHUM that will move to the Centre intégré universitaire de santé et de services sociaux Centre-Sud-de-l'Île-de-Montréal according to the clinical plan authorized on the day of the transfer.

No. of CA	Name of centre of activities (CA)	Comments
5941	Intensive follow-up in the community	Corresponds to mental health team
5950	Training given by nursing personnel	
6000	Care administration	Including prevention control of infections (PCI)
6022	Hospitalization in psychiatry for adults - Intensive care	
6023	Hospitalization in psychiatry for adults - Acute care general activities	
6053-1	Intensive care	
6056	Medicine and surgery (not apportioned)	Including geriatrics
6070	One-day surgery	
6171	Specialized home nursing care - physical health	
6172	Home nursing care - Mental health	
6240	Emergency	Including sexual assault mandate
6260	Surgery department	
6280	Day hospital in mental health	
6282	Day hospital in mental health - Adults (18-100 years of age)	
6302	Outpatient specialized consultations	
6322	Sterilization and distribution centre (CLSC-CH)	
6332	Second and third line evaluation and treatment services in psychiatry for adults	
6352	Respiratory therapy - others	
6390	Ministry service	
6564	Psychology	
6565	Social services	
6606	Sampling centre	According to optilab directive
6610	Respiratory physiology	
6710	Electrophysiology	
6770	Endoscopy	
6804	Pharmacy – hospitalized users	

No. of CA	Name of centre of activities (CA)	Comments
6831	General radiology	
6832	Ultrasonography	
6834	Computed tomography	
6835	Magnetic resonance	
6839	Support to medical imaging	
6861	Audiology	
6862	Speech therapy	
6870	Physiotherapy	
6880	Occupational therapy	
7090	Day medicine unit	Including preadmission clinic and clinical reception
7202	Coordination and support	
7301	General direction	For the Complaints Commissioner
7302	Financial administration	
7303	Personnel management	
7304	Administration of professional services	
7307	Supply and services	
7320	Administration of technical services	
7400	Movement of users	Including movements for patients nuclear medicine and other movements like CA 7690- external transportation of users
7401	Movement of users between establishments	
7402	Movement of users 65 years of age and more	
7532	Medical archives	
7534	Reception	Including appointment centre, patients reception and admission
7535	Telecommunication	Including telephone and telephony centre
7536	Medical dictation	
7553	Clinical nutrition	
7554	Food	
7604	Laundry	
7606	Collection distribution	
7640 to 7650	Hygiene, sanitation and management of biomedical waste	
7703	Operation of facilities	
7710	Security	
7801	Maintenance non-medical immovable assets	
7802	Maintenance and repair of medical equipment	For biomedical engineering

Stretcher transportation costs are included in the clinical sectors that use that service.

SCHEDULE II**Terms and conditions for the use of certain premises situated at 1560, rue Sherbrooke Est, in Montréal, by the Centre hospitalier de l'Université de Montréal following the transfer**

Activities and services of the Centre hospitalier de l'Université de Montréal requiring the use of space at the Hôpital Notre-Dame facility in the immovable situated at 1560, rue Sherbrooke Est, in Montréal, which will be the property of the Centre intégré universitaire de santé et de services sociaux du Centre-Sud-de-l'Île-de-Montréal following the transfer:

1- Space to keep and maintain the computer servers and related maintenance equipment (wings M & K, basement – 6,500 ft² (604 m²));

2- Space to keep medical archives and related equipment, including digitization equipment (wings K & P RDC 15,000 ft² (1,394 m²) and wing P, 1st floor 5,200 ft² (483 m²));

3- Space for staff members of the Direction des technologies de l'information et des télécommunications of the Centre hospitalier de l'Université de Montréal (wing K – 1st floor - DTIT 6,535ft² (607 m²));

4- Space for the audiology service (wing K, 3rd floor – 4,120 ft² (383 m²));

5- Space for radiation oncology (3rd basement, wing T – 549 m² (5,908 ft²); 4th basement, wing T (offices) – 549 m² (5,908 ft²); 5th basement, wing T – 2,157 m² (23,221 ft²); total: 3,255 m²);

6- Space – premises where the keeping and handling of radioactive products is authorized – obligation of the Nuclear Safety Commission (all the premises in the 5th basement, wing T are covered by those licences, i.e. 2,157 m²).

103186

Draft Regulations

Draft Regulation

An Act to ensure safety in guided land transport (chapter S-3.3)

Safety of the Réseau électrique métropolitain

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

The main purpose of the draft Regulation is to specify the measures that will be implemented to ensure that the Réseau électrique métropolitain is operated safely and to reduce fire and accident hazards. The operator retains the ability, in compliance with the law, to put in place additional safety rules to ensure the protection of the public.

The draft Regulation also specifies the types of work affecting the REM that will be subject to the publication of a prior notice and the tenor and frequency of traffic reports and accident reports that will have to be sent by the operator.

Regarding the safety component, the proposed provisions pertain essentially to the following elements.

The draft Regulation sets out minimum rules of caution that apply to users and persons travelling in the vicinity of the REM installations.

Regarding the operator, the obligations introduced pertain in particular to preventive measures to be applied to monitor and maintain the rolling stock, guideways and equipment in good working order.

The operator will have to maintain a staff qualification management system. The safety management system, the safety record and the traffic command and control system required will each contribute to make the operation of the REM more secure, throughout its entire life, by helping prevent various types of incidents resulting from natural, technological and anthropogenic risks likely to affect the REM. The operator will have to establish a permanent safety committee. Periodic independent external audits of the safety management system will also be required.

An emergency action plan will have to be adopted and the regulatory provisions specify the various elements that must be included in such a plan. In addition, the operator will have to control and maintain in good working order at all times a communication system accessible to the staff and users of the REM and allowing to communicate with the control centre.

Considering the obligations provided for, the draft Regulation has certain financial impact for the operator. The impact compares however to the impact supported by other operators of guided land transport systems also required to apply standards in order to ensure the safety of the public.

Further information may be obtained by contacting Jean-Marc Bissonnette, director of rail transportation, 700, boulevard René-Lévesque Est, 24^e étage, Québec (Québec) G1R 5H1; telephone: 418 646-6416; email: jean-marc.bissonnette@transports.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, Sustainable Mobility and Transport Electrification, 700 boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

ANDRÉ FORTIN,
*Minister of Transport, Sustainable Mobility
and Transport Electrification*

Regulation respecting the safety of the Réseau électrique métropolitain

An Act to ensure safety in guided land transport (chapter S-3.3, s. 50 and ss. 52 to 54)

CHAPTER I GENERAL

1. This Regulation contributes, with other means implemented by the operator, to ensure the safe operation of the Réseau électrique métropolitain by preventing in particular fire and accident hazards.

The Regulation also specifies the tenor and frequency of the traffic reports and accident reports that will have to be sent by the operator, and determines the types of work and changes made to the REM the performance of

which is subject to the publication of a prior notice under sections 5 and following of the Act to ensure safety in guided land transport (chapter S-3.3).

2. A reference to the Réseau électrique métropolitain means the REM referred to in section 1 of the Act respecting the Réseau électrique métropolitain (chapter R-25.02).

For the purposes of this Regulation, unless the context indicates otherwise,

- (1) the “REM” includes in particular
 - (a) the infrastructures, such as guideways, permanent structures, track equipment, maintenance centres, depots for storing the rolling stock and stations;
 - (b) technical and safety installations, such as the operating support systems, signalling systems, traction installations to provide electric power to the rolling stock, and control, monitoring and communication installations;
 - (c) the rolling stock;
 - (d) critical systems, namely, the systems whose failure or malfunction may have serious consequences, such as death, serious injuries or significant material damages; and
 - (e) an operation site, in a secured right of way, corresponding to the area occupied by the guideways on a dedicated site, without level crossing or interference with a public road, that is delimited by a gate and secured access allowing the automatic and safe movement of the automated guided transport system, driverless;

(2) the “operation” includes all the operation activities of the rolling stock and systems and activities for the maintenance of the rolling stock, equipment, systems and infrastructures of the REM.

CHAPTER II SAFETY CODE

DIVISION I OBLIGATIONS OF USERS AND THIRD PERSONS

3. Without restricting the application of sections 24, 27 and 37 to 39 of the Act to ensure safety in guided land transport (chapter S-3.3), no person may, unless authorized by the operator,

- (1) be in the path of moving rolling stock;
- (2) ride on the side, under or on the roof of moving rolling stock;
- (3) obstruct or hinder the operation of the gate or secured access mechanisms installed by the operator;
- (4) manoeuvre or use in any manner an apparatus, device or equipment the use of which is related to the operation of the REM and reserved for the operator’s staff;
- (5) be in a location reserved for the operator’s staff; and
- (6) transport, deposit or abandon dangerous substances, in particular explosives and fireworks, in the rolling stock and in the secured right of way.

DIVISION II OBLIGATIONS OF THE OPERATOR

§1. *Precautionary measures in the operation of the REM*

1. — GENERAL

4. In applying the Safety Code and the responsibilities incumbent on the operator to ensure the safety of the REM, the operator must take into consideration, in particular,

- (1) the importance of centralized management of the communications, systems and equipment of the REM;
- (2) the adequate management of movements and transfers of REM users;
- (3) the strategic nature of the management and control measures applied to the rolling stock of the REM, in particular, in relation to the location, speed monitoring, movement authorization and stoppage of the rolling stock;
- (4) the necessity for rigorous management of the safety of the right of way, stations, guideways of the REM and means for escape;
- (5) the importance of a clear distribution of internal responsibilities related to the safety and availability of reliable means of communication between persons in all locations of the REM;
- (6) the implementation of alternatives and mitigation measures to maintain the safety level of the operations of the REM in case of failure or malfunction of equipment or an automated system.

5. The operator must take appropriate measures to notify REM users of the prohibition to transport dangerous substances therein.

6. The operator must ensure

(1) that the REM remains free of level crossings and of any interference with a public road;

(2) that the possibility of accessing the right of way and guideways is limited at all times by a gate and secured access; and

(3) the availability and functionality of means of evacuation of tunnels, guideways and rolling stock of the REM.

7. The operator must hold civil liability insurance related to the operation of the REM. The minimum amount of insurance that the operator must purchase is \$100,000,000 and the amount of the deductible may not exceed \$5,000,000.

2. — *TRAFFIC COMMAND AND CONTROL SYSTEM*

8. The operator develops and applies appropriate measures to command and control the traffic of rolling stock used for movement of users and service rolling stock.

The traffic command and control system must ensure the safe movement of the rolling stock, regardless of its position, its direction and the condition of REM infrastructures.

In addition to the measures applicable in normal situations, the system must be adapted to deal with disturbances or partial or complete failures of the various systems.

9. Unless safe bypass measures are applied, the malfunction or loss of use of the command or control equipment must cause the immediate stoppage of the movement of the rolling stock on the REM.

10. The traffic command and control system must allow the detection of the presence and the location of any rolling stock on the guideways.

11. The operator must ensure the maintenance and verify the good operation of equipment related to traffic command and control. The operator must immediately take corrective measures where a defect threatening safety is brought to the operator's attention.

12. The operator must periodically submit each element of the traffic command and control system used on the REM to a technical safety verification made by a person who has the knowledge, training and experience necessary to diagnose and repair defects.

13. The operator must carry out an independent external safety audit every 3 years to verify compliance with the safety procedures, rules and standards provided for the traffic command and control system, and with this subdivision.

3. — *ROLLING STOCK AND EQUIPMENT MAINTENANCE*

14. The operator develops and applies appropriate procedures for daily operational tests before the daily operation of the rolling stock used for the movement of users.

The procedures developed must specify the procedures that apply to every rolling stock item when defects have been detected on it.

15. The operator may not allow rolling stock movement on the guideway, elsewhere than in a maintenance shop, if it is not equipped with a device, in good working condition that ensure its complete standstill at any place and in any circumstances.

16. The operator ensures the maintenance and verifies the good operation of the equipment related to rolling stock. The operator must immediately take corrective measures where a defect that threatens safety is brought to the operator's attention.

17. The operator must periodically submit each rolling stock item used on the REM to a technical safety verification made by a person who has the knowledge, training and experience necessary to diagnose and repair defects.

18. The operator must periodically submit each item of equipment contributing to the safety of the use of the rolling stock to a technical safety verification made by a person who has the knowledge, training and experience necessary to diagnose and repair defects.

19. The operator must carry out an independent external safety audit every 3 years to verify the compliance with the procedures for operational tests of the rolling stock, and other safety control measures applicable to the rolling stock and equipment.

4. — *GUIDEWAY MAINTENANCE*

20. The operator must ensure that the guideways benefit from regular verification and maintenance measures.

21. Before beginning maintenance work on a guideway, the person in charge of the work must so inform the person responsible for the operation and obtain that person's authorization.

22. The person responsible for the operation must, before authorizing work on a guideway, guarantee the safety of the area in which the work will take place.

23. A visual inspection of the guideways of all the segments of the main tracks must be completed before the daily operation of the REM in order to verify the good condition of the tracks and ensure that they are free of any obstacle that may disrupt service and traffic.

24. If a malfunction or an anomaly is detected on a guideway, the person responsible for the operation must not authorize service to begin without having implemented applicable risk reduction measures.

25. The operator must carry out an independent external safety audit every 3 years to verify compliance with the measures related to guideway maintenance and safety and to verify whether the standards applied are still adequate to ensure safety.

5. — *COMMUNICATION SYSTEMS*

26. The operator must at all times control and maintain in good order a communication system on the secured right of way of the REM so that the field staff, REM users and the control centre may communicate in any circumstances.

27. In addition to allowing internal communications between all the users of the system, the communication system installed by the operator must be designed to at least allow

(1) the identification or location of persons who access the communication system;

(2) a complete coverage of tunnels, tracks and stations of the REM;

(3) bidirectional communication with the control centre, including for REM users;

(4) the possibility to communicate safety information to users; and

(5) the recording of the information.

28. Unless a staff member equipped with a communication system is present, only rolling stock equipped with a functional system allowing users to communicate with the control centre may be used to provide passenger service.

29. All other premises accessible to the public must be equipped with a communication system, accessible to users allowing them to communicate with the control centre. Failing that, a designated staff member, equipped with a communication system, must be present.

30. Any person performing duties essential to safety must, in the performance of duties, have in his or her possession communication equipment.

6. — *QUALIFICATION MANAGEMENT AND ROLE OF STAFF*

31. Every employee of the operator is required to immediately report to the operator, using a communication means the employee considers the most appropriate, any situation that appears to the employee to pose a serious threat to the safety of property or persons.

The operator must take the necessary measures to notify staff members of the importance of that obligation and inform them of the person to contact when they notice a threat to safety.

32. The operator must establish and implement a qualification management process to ensure that all employees having a responsibility as part of the safety management system and the emergency action plan have the required skills and training to achieve the objectives set, in a safe, efficient and effective manner, whatever the circumstances.

The operator must ensure that the level of competence and knowledge of the staff is maintained.

§2. *General safety control and follow-up measures*

1. — *ESTABLISHMENT AND UPDATING OF THE SAFETY RECORD*

33. As part of the commissioning of the REM or any substantial modification to the REM, the operator must prepare a safety record describing the main technical and functional characteristics of the infrastructures,

equipment and systems, and the risk assessment of any nature that could affect the REM, including those associated with the environment.

34. A separate safety record may be established for each temporary, partial or full operation of the REM and for each substantial modification to the REM. In addition to the risk assessment, the safety record must contain the measures considered to deal with them.

35. The safety record must demonstrate, from the completed risk assessment, that the REM's functional, technical, operational and maintenance provisions make it possible to achieve the safety objective throughout the entire life of the REM, to prevent the various types of incidents, hazards and other risks identified and to reduce their consequences.

36. Work related to the REM may only be started after the approval of the safety record by the safety committee provided for in section 43, except in case of emergency, in which case the work is approved while being carried out or as soon as possible.

37. Where the safety committee is satisfied with the safety record and the achievement of the safety objective, it authorizes the commissioning of the portion of the REM concerned and issues an operation certificate for that purpose.

2. — SAFETY MANAGEMENT SYSTEM

38. The REM operator must develop a safety management system to ensure compliance with all the processes contributing to the planning, performance and monitoring of the REM's operation and maintenance.

39. The safety management system must describe all the processes implemented for the safety of the REM, in particular, the operation of the REM, the management of incidents and accidents, the determination of safety concerns and safety governance rules.

40. The safety management system must at least provide for the processes chosen in connection with the following elements:

- (1) the respective responsibilities within the organization and the obligation to render account;
- (2) the safety policy;
- (3) the means used to ensure compliance with the regulations, rules and other directives;
- (4) the management of accidents;

- (5) the identification of safety concerns;

- (6) the risk assessment;

- (7) the implementation and assessment of corrective measures;

- (8) the establishment of objectives and the development of initiatives;

- (9) the reporting of safety breaches and hazards;

- (10) the management of knowledge;

- (11) the setting of work schedules;

- (12) the continuing enhancement of the safety management system;

- (13) the management of internal and external interfaces.

41. The operator appoints a senior manager responsible for the operations and activities of the REM who is required to report on the compliance with the requirements of the safety management system, including its effectiveness to reach the highest level of safety in operating the REM.

42. The operator must provide to the Minister the name of the senior manager in charge as soon as possible after the manager is appointed.

43. In order to oversee all aspects related to the safety of the REM, the operator must establish a permanent safety committee.

As part of its mission, the committee must, in particular,

- (1) keep and maintain up to date the safety record, prepared from the technical and functional characteristics of the REM and its operation and maintenance conditions, that must include all the information pertaining to safety for the design, construction, operation and maintenance of the REM;

- (2) impose the conditions that it considers appropriate with respect to all the work that could affect the safety of the REM;

- (3) supervise the preparation and updates of the safety management system of the REM;

- (4) send to the Minister, for information purposes, the safety management system and any modification made by the committee within 30 days of their adoption;

(5) supervise the proper performance of the safety management system of the REM;

(6) prepare an annual report which includes the conclusions of its monitoring activities for the implementation of the safety management system;

(7) issue the initial operation certificate and its modifications authorizing the commissioning of the various portions of the REM and so inform the Minister; and

(8) supervise the preparation and update of the qualification management process.

44. The operator must carry out every 3 years an independent external audit of its safety management system, particularly to assess to what extent the requirements of each process have been implemented.

45. The operator records the findings of the independent external audit in a report.

The senior manager in charge of the safety management system certifies, by signing the report, that he or she accepts it.

46. The operator must adopt an action plan describing the measures provided for to respond to the findings of the audit report that the operator identifies as deficiencies of its safety management system requiring the implementation of corrective measures.

The senior manager in charge of the safety management system certifies, by signing the action plan, that he or she approves it.

§3. Emergency action plan

47. The operator must adopt an emergency action plan related to the operation of the REM.

48. The emergency action plan must provide for preventive, preparative, intervening and restorative actions to mitigate or eliminate various natural, technical and anthropogenic risks that may have an impact on the safety offered by the REM.

49. The emergency action plan must be prepared with a view to ensure the safety of the public and employees, facilitate decision-making and support the work of emergency responders.

50. The operator appoints a senior manager responsible for the operations and activities of the REM, who is required to report on the compliance with the measures provided for in the emergency action plan.

51. The operator must provide the Minister with the name of the designated senior manager in charge of the plan as soon as possible after the manager is appointed.

52. The risk assessment required for the preparation and implementation of the emergency action plan must be based on recognized methods, in particular most recent version of NFPA 130 Standard for Fixed Guideway Transit and Passenger Rail Systems.

53. The assessment must consider particularly the following risks:

(1) fire or smoke;

(2) accident, collision, derailment;

(3) loss of power;

(4) evacuation of passengers in a tunnel;

(5) panic of users;

(6) flooding in a tunnel;

(7) interruption of service after a catastrophe or dangerous conditions;

(8) dangerous substances accidentally or intentionally introduced in the REM;

(9) vandalism or criminal acts;

(10) medical assistance to users present in the rolling stock or in stations;

(11) extreme climatic conditions;

(12) earthquake;

(13) any other emergency situation considered as such by the persons responsible for police and fire protection services of the municipal authorities concerned.

54. The important elements of the emergency action plan, in particular emergency communication procedures, must be tested at least once per year during a structured drill. The operator plans and organizes structured drills in collaboration with the police and fire protection services of the municipal authorities concerned.

The risk assessment must be updated every 3 years or before if the situation warrants it.

55. The emergency action plan is prepared in collaboration with the police and fire protection services of the municipal authorities concerned for the elements of the plan related to their responsibilities.

The approved emergency action plan must be sent to the persons responsible for police and fire protection services of the municipal authorities concerned and to the Minister before the commissioning of the REM; the same applies to any update of the plan.

56. The operator's emergency action plan must at least contain

(1) a description of the environment and risks, in particular, specifying the name of the local municipality, regional municipality or any other governmental entity whose territory could be affected;

(2) the coordination of the emergency action plan, in particular collaboration with the police and fire protection services of the municipal authorities concerned;

(3) the role and responsibilities of the internal emergency responders;

(4) a list of the intervention material and relief supplies on the rolling stock, in stations and those readily available, and their location;

(5) the alert procedures of the police and fire protection services of the municipal authorities concerned;

(6) emergency intervention procedures, including emergency intervention methods to deal with emergencies;

(7) a list of the training and qualification programs;

(8) the administration of the emergency action plan; and

(9) the safety alert levels.

CHAPTER III REPORTS

57. The operator sends to the Minister, at the Minister's request,

(1) the last annual report referred to in paragraph 6 of section 43;

(2) the signed report reporting the independent external audit referred to in section 45; and

(3) the results of the last independent external audit reports referred to in sections 13, 19 and 25.

58. The detailed accident report referred to in section 44 of the Act to ensure safety in guided land transport (chapter S-3.3), that is required for any accident resulting in injuries or the death of a person or that causes damages to a guideway, permanent structures or the equipment, must be written according to the tenor provided for in Schedule I.

59. The operator must also notify the Minister and produce an incident report for any significant malfunction of equipment, rolling stock, traffic command and control system or any other component of the REM ensuring the safety of its operation and for any serious violation of a safety rule by an employee.

For the purposes of this section, a significant malfunction and a serious violation refer to events whose impact threatened or could have threatened the safety of the REM.

60. The operator is exempted from the obligation to produce a report provided for in section 58 or 59 where the accident occurred inside a shop or a maintenance centre.

61. The traffic report referred to in section 49 of the Act to ensure safety in guided land transport (chapter S-3.3) must be prepared by the operator for each year of activity of the REM. It is drafted according to the tenor provided for in Schedule II.

The report must be sent to the Minister not later than 1 March of the year following the year concerned.

CHAPTER IV ANNOUNCEMENT OF WORK

62. Work that must be announced in accordance with section 5 of the Act to ensure safety in guided land transport (chapter S-3.3) is work that, following the complete commissioning of the Deux-Montagnes, Sainte-Anne-de-Bellevue, Aéroport and Rive-Sud branches, concern

(1) the extension of the REM tracks over a length of 2 km or more that requires the acquisition of an immovable situated outside the REM's right of way; and

(2) the construction of a new station for the REM that requires the acquisition of an immovable situated outside the REM's right of way.

63. The announcement must be made through a notice published in a daily newspaper and in a weekly newspaper circulated in the territory where the work will be carried out.

64. The period during which one may oppose the work must be at least 60 days.

CHAPTER V OFFENCES

65. The following persons are guilty of an offence and are liable to the fines provided for in section 82 of the Act to ensure safety in guided land transport (chapter S- 3.3):

- (1) a person who contravenes section 3;
- (2) the operator who contravenes section 7;
- (3) the operator who contravenes section 61.

CHAPTER VI FINAL

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

Despite the first paragraph, the various obligations and requirements imposed on the operator, in particular the establishment of an emergency action plan and a safety management system, may be completed in an evolutionary manner to take into account the date of the commissioning of the various branches of the REM.

Every measure, system or plan required must be implemented, with respect to a branch of the REM, not later than the date of its initial commercial commissioning.

SCHEDULE I (section 58)

ACCIDENT REPORT

Operator: _____

Description of the rolling stock: _____

Direction: _____

Location of the accident: _____

Date: _____ Time: _____

Description of the accident:

Number of persons injured: _____

Number of persons killed: _____

Status of the victims (passenger, employee, other): _____

Apparent causes of the accident:

Investigation to come: Yes _____ No _____

Other observations:

Place and date of signature: _____

Signature: _____
(name, address and position or title of the writer of the report)

SCHEDULE II (section 61)

ANNUAL TRAFFIC REPORT

OPERATOR'S NAME: _____

YEAR: _____

TRACKS:

Length of operated REM: _____ km

Length of main tracks: _____ km

ROLLING STOCK IN SERVICE:

OPERATION PARAMETERS:

Passengers/km:

Cars/km:

Cars/branch:

Place and date of signature: _____

Signature: _____
(name, address and position or title of the writer of the report)

103189

Draft RegulationOptometry Act
(chapter O-7)**Optometrists
— Medication and eye care**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the medications that may be administered and prescribed by an optometrist and respecting the eye care that may be provided by an optometrist, made by the Office des professions du Québec and appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting the medications that an optometrist may administer (chapter O-7, r. 10) and the Regulation respecting the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist (chapter O-7, r. 11). It updates the list of medications that an optometrist may administer and prescribe, and authorizes the provision of certain eye care to take into account the evolution of clinical practices and the university program in optometry.

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

Further information may be obtained by contacting Martine de Billy, Direction des affaires juridiques, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912, extension 341; fax: 418 643-0973; email: martine.de-billy@opq.gouv.qc.ca

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

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

Regulation respecting the medications that may be administered and prescribed by an optometrist and respecting the eye care that may be provided by an optometrist

Optometry Act
(chapter O-7, s. 19.4)

**DIVISION I
MEDICATIONS THAT MAY BE ADMINISTERED
BY AN OPTOMETRIST**

1. An optometrist who holds a permit referred to in the first paragraph of section 19.2 of the Optometry Act (chapter O-7) may administer the medications and substances listed in Schedule I for the sole purpose of eye examinations.

**DIVISION II
MEDICATIONS THAT MAY BE ADMINISTERED
AND PRESCRIBED FOR THERAPEUTIC
PURPOSES BY AN OPTOMETRIST AND THE
EYE CARE THAT MAY BE PROVIDED BY
AN OPTOMETRIST**

2. This Division applies only to optometrists who hold a permit referred to in the second paragraph of section 19.2 of the Optometry Act (chapter O-7).

3. An optometrist may administer and prescribe the medications and substances listed in Schedule I for treating a condition of mild morbidity of the eye and adnexa, or any other condition provided for in this Regulation.

4. For the treatment of a condition of mild morbidity of the eye and adnexa or the prevention of such a condition, an optometrist may provide the following eye care:

(1) non surgical care related to the anterior segment of the eye and adnexa;

(2) removal of a superficial foreign body from the eye and complementary care required following the removal;

(3) punctal occlusion;

(4) heat, mechanical or manual treatment of meibomian glands and eyelashes;

(5) application of therapeutic contact lenses.

5. Subject to section 6, an optometrist may administer and prescribe an anti-glaucoma medication for the treatment of a glaucoma condition where the following requirements are met:

(1) the condition may be described as follows:

(a) suspected glaucoma;

(b) early glaucoma;

(c) steroid-induced glaucoma;

(2) the optometrist has access to the appropriate instruments for the assessment of the condition.

An optometrist who administers or prescribes an anti-glaucoma medication in accordance with the first paragraph must, thereafter, refer the patient to an ophthalmologist physician for medical follow-up.

6. Where a patient's follow-up is ensured by an ophthalmologist physician, the administration or prescription of an anti-glaucoma medication by the optometrist must conform to the treatment established by that physician or comply with the joint follow-up plan agreed to with the physician and entered in the patient's record.

7. Despite section 5, an optometrist may administer and prescribe an anti-glaucoma medication for the treatment of any glaucoma condition if the optometrist has obtained, before each administration or prescription, the consent of a physician who has already assessed the patient or agrees to provide consultative care to the patient. The optometrist must then enter in the patient's record the name and licence number of the physician from whom the optometrist obtained the consent.

8. Where an optometrist administers or prescribes a medication or provides eye care, the optometrist must refer the patient to a physician if the patient's condition does not adequately respond to treatment in the accepted or anticipated amount of time and each time the patient's interest requires it. An optometrist must also refer the patient to a physician if the signs and symptoms suggest a

condition other than the condition referred to in section 3 or that requires a physician to take charge of the patient, in particular where there is the presence of

(1) an infectious ulcer reaching the central cornea;

(2) epithelial dendrites with stromal injury;

(3) sectorial inflammation of the episclera with ischemia or melting;

(4) sectorial inflammation of the anterior chamber with hypopyons, vitritis or atypical lesions of the cornea;

(5) glaucoma other than those for which the optometrist is authorized to intervene pursuant to section 5.

DIVISION III FINAL

9. This Regulation replaces the Regulation respecting the medications that an optometrist may administer (chapter O-7, r. 10) and the Regulation respecting the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist (chapter O-7, r. 11).

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

SCHEDULE I (ss. 1 and 2)

1. All topical ophthalmic medications, except cocaine and extemporaneous preparations of antibiotics, subject to the following restrictions:

(1) immunosuppressants, only for dry eye treatment;

(2) except for the purposes referred to in sections 5 to 7 of the Regulation, the following anti-glaucoma medication used only for the following purposes:

(a) miotics, for eye examination;

(b) prostaglandin analogues, for the treatment of hypotrichosis.

2. The following oral medications:

(1) antibiotics, excluding extemporaneous preparations, only for the treatment of cases where eyelids are affected, according to the protocol established by the Institut national d'excellence en santé et en services sociaux;

(2) antivirals, only for the treatment of eye herpes, according to a recognized clinical algorithm and for a maximum continuous period of 1 year.

3. Any other medication, vitamin or natural health, topical and oral product, that is not referred to in Schedule I to the Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12).

4. Any combination of medications, vitamins and natural health products in this Schedule is permitted subject to the restrictions provided for in the Schedule that apply to them.

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Draft Regulation

Optometry Act
(chapter O-7)

Optometrists

—Standards for the issue and holding of permits

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the standards for the issue and holding of permits authorizing an optometrist to administer and prescribe medications and provide eye care, made by the board of directors of the Ordre des optométristes du Québec and appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation replaces the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medications (chapter O-7, r. 13) and the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care (chapter O-7, r. 14). The purpose of the Regulation is to determine the standards for the issue and holding of permits authorizing optometrists to perform the activities provided for in the Regulation respecting the medications that may be administered and prescribed by an optometrist and respecting the eye care that may be provided by an optometrist. The latter Regulation, also published as a draft Regulation in this Part, is intended to update the list of medications that an optometrist may administer and prescribe and to authorize the provision of certain eye care.

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

Further information may be obtained by contacting Marco Laverdière, Executive Director and Secretary, Ordre des optométristes du Québec, 1265, rue Berri, bureau 505, Montréal (Québec) H2L 4X4; telephone: 514 499-0524 or 1 888 499-0524; fax: 514 499-1051; email: m.laverdiere@ooq.org

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutriscac, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e 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 Ordre des optométristes du Québec and to interested persons, departments and bodies.

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

Regulation respecting the standards for the issue and holding of permits authorizing an optometrist to administer and prescribe medications and provide eye care

Optometry Act
(chapter O-7, s. 19.2)

DIVISION I ISSUE OF PERMITS

1. A permit authorizing an optometrist to administer medications for eye examination purposes and a permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care are issued to a member of the Ordre des optométristes du Québec who

(1) has submitted to the secretary of the Order an application for a permit on the form provided for that purpose;

(2) has paid the fees prescribed by the board of directors of the Order for the issue of the permit;

(3) has successfully completed, during the 4 years preceding the year of the application, under a training program offered by an educational institution that issues a diploma meeting the requirements for the permit issued by the Order or as part of another training program recognized as equivalent by the board of directors, a training period that includes a minimum of 145 hours of theoretical and clinical courses in eye health and the pharmacological treatment of certain ocular pathologies;

(4) has successfully completed training in Basic Life Support (BLS) for health care professionals of the Heart and Stroke Foundation.

2. The permits referred to in section 1 are also issued to a member of the Order who meets the other conditions prescribed in that section, although the member's training has been acquired prior to the period referred to in paragraph 3 of that section or has not reached the level of training referred to in that paragraph, provided the member

(1) has successfully completed the training program provided for in section 3;

(2) holds, outside Québec, a legal authorization to administer medications for eye examination purposes and to administer and prescribe medications for therapeutic purposes and provide eye care following terms and conditions comparable to those covered by the Regulation respecting the medications that may be administered and prescribed by an optometrist and respecting the eye care that may be provided by an optometrist (*insert the reference*).

3. The training program must be approved by the board of directors and it must include a minimum of 145 hours of theoretical and clinical courses in eye health and in the pharmacological treatment of certain ocular pathologies, offered by the École d'optométrie of the Université de Montréal or by another educational institution whose standards comply with those of the Accreditation Council on Optometric Education.

DIVISION II UPGRADING PROGRAM

4. An optometrist who holds at least one of the permits referred to in section 1 must, for each reference period, update his or her knowledge by taking part in the upgrading program approved by the board of directors and provided for in section 5.

In this Division, "reference period" means any 3-year period starting on a date determined by the board of directors.

5. The upgrading program must include 30 hours of theoretical or clinical training related to the subject areas referred to in section 3.

6. In the case of an optometrist who is entered or re-entered on the roll of the Order during a reference period, the number of hours of the upgrading program is established in proportion to each month, whether complete or not, of entry during that period.

7. An optometrist who is entered on the roll of the Order as of the 30th month following the beginning of the reference period is exempted from the obligation to take part in the upgrading program for a reference period in effect.

8. Paragraph 2 of section 1 applies, with the necessary modifications, to the upgrading program referred to in this Division if it is offered by the Order.

9. The board of directors must suspend the permit referred to in section 1 where it is held by an optometrist who cannot establish that he or she has met the requirements of the upgrading program. Such suspension may not last longer than 60 days.

10. At the expiry of the period for which the permit is suspended, the board of directors must cancel the permit if the optometrist cannot establish that he or she has met the requirements of the upgrading program.

11. An optometrist whose permit has been cancelled must again meet the conditions provided for in section 1 for the issue of the permit.

DIVISION III TRANSITIONAL AND FINAL

12. This Regulation replaces the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medications (chapter O-7, r. 13) and the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care (chapter O-7, r. 14).

13. An optometrist who holds only the permit issued under the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer medications (chapter O-7, r. 13) is deemed to have obtained the issue of that permit pursuant to section 1.

Despite the foregoing, the optometrist must take part in the upgrading program provided for in Division II and have successfully completed the program before 1 April 2021, subject to suspension or cancellation of his or her permit pursuant to sections 9 and 10.

14. An optometrist who holds the permit issued under the Regulation respecting the standards for the issue and holding of the permit authorizing an optometrist to administer and prescribe medications for therapeutic purposes and provide eye care (chapter O-7, r. 14) is deemed to have obtained the issue of the permits referred to in section 1.

Despite the foregoing, the optometrist must take part in the upgrading program provided for in Division II and have successfully completed the program before 1 April 2021, subject to suspension or cancellation of his or her permits pursuant to sections 9 and 10.

Until an attestation of the Order is obtained according to which the optometrist has completed the upgrading program provided for in Division II, the optometrist may, as holder of the permit authorizing him or her to administer and prescribe medications for therapeutic purposes and provide eye care, perform only the acts authorized by the Regulation respecting the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist (chapter O-7, r. 11), as it read on (*insert the date that precedes the date of coming into force of the Regulation respecting the medications that may be administered and prescribed by an optometrist and respecting the eye care that may be provided by an optometrist*).

15. An optometrist who meets the conditions of section 1, but who has completed the training program referred to in section 1 before 1 April 2018 obtains the issue of the permits referred to in that section.

Despite the foregoing, the optometrist must take part in the upgrading program provided for in Division II and have successfully completed the program before 1 April 2021, subject to suspension or cancellation of his or her permits pursuant to sections 9 and 10.

Until an attestation of the Order is obtained according to which the optometrist has completed the upgrading program provided for in Division II, the optometrist may, as holder of the permit authorizing him or her to administer and prescribe medications for therapeutic purposes and provide eye care, perform only the acts authorized by the Regulation respecting the medications that may be administered and prescribed for therapeutic purposes by an optometrist and respecting the eye care that may be provided by an optometrist (chapter O-7, r. 11), as it read on (*insert the date that precedes the date of coming into force of the Regulation respecting the medications that may be administered and prescribed by an optometrist and respecting the eye care that may be provided by an optometrist*).

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

Draft Regulation

Real Estate Brokerage Act
(chapter C-73.2)

Real estate indemnity fund and determination of the professional liability insurance premium — 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 Real Estate Indemnity Fund and determination of the professional liability insurance premium, appearing below, may be made by the Government on the expiry of 45 days following this publication.

These amendments are intended, from a public protection perspective, to increase the maximum indemnity payable out of the Real Estate Indemnity Fund to \$ 100,000 per claim in respect of fraud, fraudulent tactics or misappropriation of funds committed as of 1 January 2018 and to increase the period of eligibility for a claim to two years of knowledge of fraud, fraudulent tactics or misappropriation of funds.

This draft regulation has no impact on citizens and businesses, especially SMEs.

Further information on the draft Regulation may be obtained by contacting Isabelle Charlebois, lawyer, Affaires juridiques et Greffe, Organisme d'autorégulation du courtage immobilier du Québec, 4905, boulevard Lapinière, bureau 2200, Brossard (Québec) J4Z 0G2; telephone: 1 800 440-7170; fax: 450 676-7801; email: icharlebois@oaciq.com

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Richard Boivin, Assistant Deputy Minister for policies related to financial institutions and to corporate law, Ministère des Finances, 8, rue Cook, 4^e étage, Québec (Québec) G1R 0A4; telephone: 418 646 7563; fax: 418 646 5744; email: richard.boivin@finances.gouv.qc.ca

CARLOS LEITÃO,
Minister of Finances

**Regulation to amend the Regulation
respecting the real estate indemnity
fund and determination of the professional
liability insurance premium**

Real Estate Brokerage Act
(chapter C-73.2, s. 46, par. 15 to 17)

1. The Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium (chapter C-73.2, r. 5) is amended in section 7 by replacing “in the year in which” by “no later than two years after”.

2. Section 14 of this regulation is amended:

1° by replacing “35 000\$” by “100 000\$”;

2° by replacing “1 May 2010” by “1 January 2018”;

3° by replacing “section 37 of the Regulation respecting the application of the Real Estate Brokerage Act (chapter C-73.1, r. 1)” by “the regulations applicable at the date the act is committed”.

3. This regulation comes into force on 1 January 2018.

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

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