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Part

2

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Laws and Regulations

Volume 150

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;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

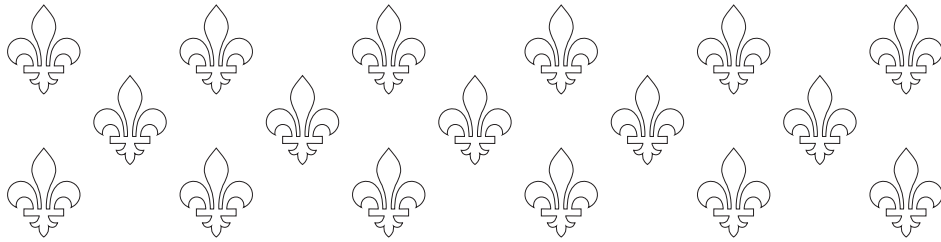
QUÉBEC, 8 DECEMBER 2017

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 8 December 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:

143 An Act to improve the educational quality and foster the harmonious development of educational childcare services

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



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 143
(2017, chapter 31)

**An Act to improve the educational
quality and foster the harmonious
development of educational childcare
services**

**Introduced 16 June 2017
Passed in principle 1 November 2017
Passed 8 December 2017
Assented to 8 December 2017**

**Québec Official Publisher
2017**

EXPLANATORY NOTES

This Act amends the Educational Childcare Act to introduce new provisions respecting mainly the quality of educational childcare service delivery and the safety and development of these services.

The Act adds promoting educational success to the objects of the Educational Childcare Act and adds the obligation to foster educational success, in particular to facilitate children's transition into the school system, to the educational program applied by childcare providers. The Act also establishes a process for assessing and improving childcare service quality.

Furthermore, the Act formally obliges childcare providers to ensure the health, safety and well-being of the children to whom they provide childcare. The use of measures that could be detrimental to children is expressly forbidden.

The number of children that a natural person without a permit or recognition under the law may provide with childcare is reduced. Day care centre permit issuing is made subject to additional requirements and, in certain cases, the Minister must consult an educational childcare service supply advisory committee, whose composition and functions are determined by the Act.

In addition, all childcare providers are required to use the single-window access to childcare services designated by the Minister. The Act provides for sending new information to the Minister to identify the clientele and assess children's anticipated and actual attendance.

Lastly, new administrative penalties and penal sanctions are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Educational Childcare Act (chapter S-4.1.1).

REGULATION AMENDED BY THIS ACT:

- Educational Childcare Regulation (chapter S-4.1.1, r. 2).

Bill 143

AN ACT TO IMPROVE THE EDUCATIONAL QUALITY AND FOSTER THE HARMONIOUS DEVELOPMENT OF EDUCATIONAL CHILDCARE SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATIONAL CHILDCARE ACT

1. Section 1 of the Educational Childcare Act (chapter S-4.1.1) is amended by inserting “, educational success” after “development” in the first paragraph.

2. Section 5 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(3) fostering children’s educational success, particularly by facilitating their transition into the school system.”;

(2) by replacing the third paragraph by the following paragraph:

“The Government determines, by regulation, any other element or service to be included in the educational program. It may, in the same way, prescribe a single program applicable in whole or in part to the childcare providers it determines and provide for program equivalencies.”

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

5.1. Childcare providers must, at the Minister’s request and in the manner determined by the Minister, participate in the process to assess and improve the educational quality of childcare.

The Minister determines the measurement tools to be used in this process and may require childcare providers and their participating staff to provide the Minister with the information and documents required and to complete a questionnaire assessing childcare quality.

The Minister may designate a person or body with the required expertise in the field of early childhood to develop measurement tools and collect and process the information, documents and questionnaire.

The Minister follows up on the results of the childcare educational quality assessment and improvement process with the childcare providers concerned.

“5.2. Childcare providers must ensure the health, safety and well-being of the children to whom they provide childcare.

Among other things, childcare providers may not apply degrading or abusive measures, use exaggerated punishment, denigration or threats, or employ abusive or disparaging language that could humiliate or frighten a child or undermine the child’s dignity or self-esteem. Nor may they tolerate such behaviour from their employees.”

4. Section 6 of the Act is amended by replacing “to more than six children” by “to a child in return for a parental contribution”.

5. The Act is amended by inserting the following sections after section 6:

“6.1. Section 6 does not apply to a natural person who

(1) is an own-account worker;

(2) provides childcare in a private residence where such childcare is not already being provided;

(3) provides childcare to up to six children of whom not more than two are under the age of 18 months, including the person’s own children under nine years of age and any other children under nine who ordinarily live with the person and are present while the childcare is provided;

(4) holds an attestation issued by a police force or the Minister for himself or herself and for each person of full age living in the residence, establishing that none of them has an impediment under paragraph 2 or 3 of section 26;

(5) holds a certificate attesting that he or she has successfully completed a first aid course determined by government regulation;

(6) is covered by a civil liability insurance policy whose amount and coverage are determined by government regulation;

(7) notifies the parent using his or her services in writing that, as regards childcare services, he or she is subject only to the conditions provided for in this section, that he or she offers unrecognized home childcare, that he or she is not subject to monitoring by a home childcare coordinating office and that the quality of his or her childcare service is not assessed by the Minister; and

(8) has not been convicted of an offence under section 6.2, or more than two years have elapsed since the conviction.

For the purposes of subparagraph 4 of the first paragraph, the Government determines, by regulation, the terms and conditions a person must fulfil to obtain an attestation establishing that no impediment exists.

The notice provided for in subparagraph 7 of the first paragraph, in the form prescribed by the Minister, must be signed by the parent and kept by the person offering the childcare for as long as the child receives the services. The notice must also contain any other element provided for by government regulation.

“6.2. The person referred to in section 6.1 may not apply degrading or abusive measures, use exaggerated punishment, denigration or threats, or employ abusive or disparaging language that could humiliate or frighten a child to whom he or she provides childcare or undermine the child’s dignity or self-esteem.”

6. Section 11 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

“(1.2) the person shows the feasibility, relevance and quality of his or her project to the Minister’s satisfaction;”;

(2) by inserting the following paragraph after the first paragraph:

“A permit applicant is deemed to meet the condition set out in subparagraph 1.2 of the first paragraph if the Minister, in allocating new subsidized childcare spaces under section 93, granted the applicant such spaces on the recommendation of the advisory committee concerned. The same is true of a permit applicant who acquires the assets of a permit holder, provided the applicant continues to provide childcare in accordance with the same conditions as those stated on the permit holder’s permit under paragraphs 2 and 3 of section 12.”

7. The Act is amended by inserting the following sections after section 11:

“11.1. In assessing the criteria set out in subparagraph 1.2 of the first paragraph of section 11, the Minister consults the advisory committee concerned established under section 103.5 and considers, in particular,

(1) as regards feasibility: the applicant’s ability to complete his or her project according to realistic funding and deadlines;

(2) as regards relevance: whether the project meets the childcare service needs and priorities for developing such services in the territory where the applicant wishes to set up operations; and

(3) as regards quality: the correlation between the childcare services offered and the means used to carry out the project, the choice of the facility’s location and the means implemented to ensure sound, efficient management of the day care centre’s human, material, financial and information resources.

If the application concerns a Native community, the Minister consults that community only.

11.2. The Minister assesses the childcare service needs and priorities for developing such services for every territory the Minister determines, considering, among other factors, the day care centre permits already issued, the permit applications and other applications for authorization under section 21.1 awaiting a decision and how well childcare service needs are already being met.

The Minister provides the permit applicant with the necessary information on the childcare service needs and priorities for developing such services in the territory where the applicant wishes to set up operations.”

8. The Act is amended by inserting the following section after section 21:

21.1. A day care centre permit holder must obtain the Minister’s written authorization before increasing the number of children beyond the maximum stated on the permit.

The same is true if the permit holder wishes to permanently relocate his or her facility to offer childcare services in another territory.

The Minister grants the authorization if the Minister judges that the change requested meets the criteria set out in subparagraph 1.2 of the first paragraph of section 11, taking section 11.1 into account.”

9. Section 24 of the Act is amended by adding the following paragraph at the end:

“However, the requirement of subparagraph 1.2 of the first paragraph of section 11 does not apply to the modification or renewal of a day care centre permit, except in the cases provided for in section 21.1.”

10. Section 28 of the Act is amended by replacing paragraph 5 by the following paragraph:

“(5) the permit holder contravenes section 5.2;”.

11. The Act is amended by inserting the following section after section 57:

57.1. Childcare providers must keep an education record for each child to whom they provide childcare.

Among other things, education records include information concerning the child’s development, information allowing better early detection of any difficulties the child may encounter and information facilitating the child’s transition into the school system.

No information contained in the record may be communicated to a third party without the consent of the parent of the child concerned, except in the case of an inspector authorized under section 72. The record is given to the parent when the childcare services are no longer required.

The Government determines, by regulation, the elements comprising the education record, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information it contains.”

12. The Act is amended by inserting the following chapter after section 59:

“CHAPTER IV.1

“SINGLE-WINDOW ACCESS TO CHILDCARE SERVICES

“59.1. All childcare providers, other than those established on Aboriginal territory, must register with the single-window access to childcare services designated by the Minister, according to the terms and conditions determined by the Minister.

“59.2. Childcare providers must use only the registrations entered in the single-window access to childcare services to fill their childcare service supply.”

13. Section 93 of the Act is amended by replacing “101.1” in the second paragraph by “103.5”.

14. Section 94 of the Act is amended by replacing “101.1” in the first paragraph by “103.5”.

15. Section 94.2 of the Act is amended by replacing “101.1” by “103.5”.

16. Division III of Chapter VII of the Act, comprising sections 101.1 and 101.2, is repealed.

17. Section 101.3 of the Act is amended by replacing “any of sections 13, 14, 16 and 20” in the second paragraph by “the first paragraph of section 5.1 or any of sections 13, 14, 16, 20, 59.1, 59.2 and 102”.

18. Section 102 of the Act is amended

(1) by inserting “to identify its clientele, assess anticipated attendance, assess actual attendance by the children receiving childcare, or manage childcare service supply and demand or” after “whether” in the first paragraph;

(2) by replacing “functions or administer” in the second paragraph by “functions related to identifying its clientele, assessing anticipated attendance, assessing actual attendance by the children receiving childcare, managing childcare service supply and demand or to administer”;

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

“The information requested by the Minister under this section must be sent to the Minister within the time and in the manner determined by the Minister, in particular by Internet, using the computer system and software determined by the Minister.”

19. The Act is amended by inserting the following chapter after section 103.4:

“CHAPTER VIII.2

**“EDUCATIONAL CHILDCARE SERVICE SUPPLY ADVISORY
COMMITTEE**

“DIVISION I

“ESTABLISHMENT AND FUNCTIONS

“103.5. The Minister establishes an advisory committee for every territory the Minister determines.

The functions of each committee are

(1) to advise the Minister on assessing all day care centre project permit applications based on the criteria of feasibility, relevance and quality in accordance with section 11.1;

(2) to advise the Minister on all applications by day care centre permit holders to increase the maximum number of children stated on their permit or to permanently relocate their facility to offer services in another territory in accordance with the third paragraph of section 21.1;

(3) to advise the Minister on needs and priorities with respect to the allocation of new subsidized childcare spaces and to analyze all projects submitted and make recommendations to the Minister on the allocation of new spaces under section 93; and

(4) to advise the Minister when the Minister re-allocates spaces under section 94.

The Minister makes public the recommendations under subparagraphs 1 and 2 of the second paragraph made by the advisory committee concerned.

“DIVISION II**“COMPOSITION AND ORGANIZATION**

“103.6. Each committee is composed of nine members, as follows:

(1) one person designated by the regional county municipalities of the territory concerned;

(2) one person designated by the integrated health and social services centres of the territory concerned;

(3) one person designated by the school boards of the territory concerned;

(4) one person designated by the body most representative of the childcare centres of the territory concerned;

(5) one person designated by the body most representative of the day care centres of the territory concerned which provide subsidized childcare;

(6) one person designated by the body most representative of the day care centres of the territory concerned which do not provide subsidized childcare;

(7) one person designated by the body most representative of the home childcare coordinating offices of the territory concerned;

(8) one person designated by a regional economic development agency of the territory concerned; and

(9) one person designated by a community organization with a family-related mandate designated by the Minister.

For the purposes of subparagraph 1 of the first paragraph, a local municipality whose territory is not included in that of a regional county municipality is considered a regional county municipality. The same is true of a responsible body referred to in section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), as regards the territory or community it represents.

The persons designated under subparagraphs 1 to 6, 8 and 9 of the first paragraph must work or reside in the territory of the advisory committee concerned.

The Minister may also ask other bodies to designate other committee members, for instance, if a person referred to in the first paragraph cannot be designated.

“103.7. Members are designated for a non-renewable five-year term.

When their term expires, members remain in office until replaced.

“103.8. The dates of each committee’s meetings are determined by the Minister.

“103.9. Advisory committee members may not be prosecuted for acts performed in good faith in exercising their committee functions.”

20. Section 106 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 14:

“(14.1) determine the elements comprising the education records of the children to whom the childcare provider provides childcare, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information the records contain;”;

(2) by replacing “or to a childcare provider” in subparagraph 18 by “, to a childcare provider or to the person referred to in section 6.1”;

(3) by inserting the following subparagraph after subparagraph 18:

“(18.1) determine the terms and conditions the person referred to in section 6.1 must fulfil to obtain an attestation from a police force or the Minister establishing that no impediment exists;”;

(4) by inserting the following subparagraphs after subparagraph 29:

“(29.1) determine the other elements and services all educational programs must include;

“(29.2) establish a single educational program and determine which childcare providers are required to apply it in whole or in part;

“(29.3) determine equivalencies for the single educational program;

“(29.4) determine the amount of insurance and insurance coverage the person referred to in section 6.1 must have;

“(29.5) determine the first aid course the person referred to in section 6.1 must take, its content and duration and how it is to be updated;

“(29.6) determine the elements to be included in the notice the person referred to in section 6.1 must give the parent;

“(29.7) determine the documents and information the person referred to in section 6.1 must give the parents of the children to whom he or she provides childcare;”.

21. Section 107 of the Act is amended by striking out paragraph 1.

22. The Act is amended by inserting the following sections after section 113:

“113.1. A childcare provider or an accredited home childcare coordinating office that refuses or fails to send the information requested by the Minister under section 102, within the time and in the manner determined by the Minister, is guilty of an offence and is liable to a fine of \$500 to \$5,000.

“113.2. A childcare provider that contravenes section 5.2 is guilty of an offence and is liable to a fine of \$5,000 to \$75,000.

“113.3. A childcare provider that contravenes the first or third paragraph of section 57.1 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

“113.4. The person referred to in section 6.1 that contravenes a provision of section 6.2 is guilty of an offence and is liable to a fine of \$5,000 to \$75,000.”

23. Section 116 of the Act is amended by replacing “86 or 95” by “59.1, 59.2, 86 or 95”.

EDUCATIONAL CHILDCARE REGULATION

24. The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended by inserting the following chapter after section 6:

“CHAPTER I.1

“UNRECOGNIZED HOME CHILDCARE

“DIVISION I

“INVESTIGATION ESTABLISHING THAT NO IMPEDIMENT EXISTS

“6.1. The person referred to in section 6.1 of the Act must have an investigation establishing that no impediment exists carried out in respect of himself or herself and every person of full age residing in the private residence where the childcare is provided.

He or she must, for each person, provide the police force with a copy of the consent to investigation of all of the information provided for in the second paragraph of section 27 of the Act that may establish an impediment.

“6.2. For every person referred to in the first paragraph of section 6.1, the police force must issue an attestation establishing that no impediment exists or, where applicable, an attestation of information that may establish an impediment. In the latter case, the person may then decide not to offer childcare services or provide the attestation to the Minister for the Minister’s assessment.

The police force must notify the Minister in writing when it issues an attestation of information that may establish an impediment.

“6.3. On request, the Minister assesses the attestation of information that may establish an impediment provided by the person referred to in section 6.1 of the Act. If the Minister concludes that the content of the attestation is not related to the abilities and conduct required for home childcare or that it will not impede the carrying out of the person’s responsibilities or constitute a moral or physical danger for the children to whom the person proposes to provide childcare, an attestation establishing that no impediment exists is issued to the person. Otherwise, the Minister notifies the person in writing that he or she does not have the capacity to provide childcare.

“6.4. The person must keep the consent to investigation and the attestation establishing that no impediment exists and provide parents with a copy of the attestation issued.

“6.5. The person must ensure that he or she obtains a new attestation if

- (1) the last attestation dates back 3 years or more;
- (2) the information it contains has changed; or
- (3) the Minister, on being made aware the information it contains has changed, requires a new attestation.

Sections 6.1 to 6.3 apply, with the necessary modifications, to the obtaining of the new attestation referred to in the first paragraph.

“DIVISION II

“FIRST AID COURSE

“6.6. The person referred to in section 6.1 of the Act must hold a certificate not older than 3 years attesting that the person has successfully completed a minimum 8-hour early childhood first aid course including a component on the management of severe allergic reactions or a minimum 6-hour refresher course updating the knowledge acquired as part of the early childhood first aid course.

The person must provide parents with a copy of the certificate.

“DIVISION III

“CIVIL LIABILITY INSURANCE

“6.7. The person referred to in section 6.1 of the Act must be covered by a civil liability insurance policy for an amount of at least \$1,000,000 per claim with coverage extending to the person’s activities as a childcare provider.

The person must provide parents with a copy of his or her proof of insurance.

“DIVISION IV**“NOTICE TO PARENTS**

“6.8. The person referred to in section 6.1 of the Act must provide parents with the notice required under that section. In addition to the particulars required under subparagraph 7 of the first paragraph of that section, the notice must include the following information:

- (1) the surname, given name, address and telephone number of the person providing the childcare services;
- (2) the parent’s surname, given name, address and telephone number;
- (3) the child’s surname, given name and address if it differs from the parent’s address;
- (4) that a copy of the notice must be kept in the residence where the childcare services are provided for as long as the services are provided to the child there; and
- (5) that the person is subject to the provisions of section 6.2 of the Act.”

25. Section 10 of the Regulation is amended by inserting the following paragraph after paragraph 10:

“(10.1) the implementation schedule, implementation budget, funding, and means implemented to ensure sound, effective management of human, material, financial and information resources;”.

26. Section 16.1 of the Regulation is amended by replacing “18 and 21” in the first paragraph by “18, 21 and 21.1”.

27. Section 75 of the Regulation is amended by inserting “5.2,” after “sections” in paragraph 1.

TRANSITIONAL AND FINAL PROVISIONS

28. A natural person who, on 1 May 2018, provides childcare services to up to six children has until 1 September 2019 to comply with section 6 of the Educational Childcare Act (chapter S-4.1.1), as amended by section 4, or with section 6.1, enacted by section 5.

A legal person who, on 1 May 2018, provides childcare services to up to six children has until 1 September 2019 to comply with section 6 of the Educational Childcare Act, as amended by section 4.

29. Not later than 8 June 2019, the Government must make a first regulation regarding the other elements and services to be included in the educational program and education record under the third paragraph of section 5 of the Educational Childcare Act, enacted by section 2, and the fourth paragraph of section 57.1, enacted by section 11, respectively.

30. Any day care centre permit application filed before 16 June 2017 that is still pending on 31 December 2017 continues to be subject to section 11 of the Educational Childcare Act as it read before the latter date, provided the application is completed before 31 March 2018.

31. Any day care centre permit application filed on or after 16 June 2017 that is still pending on 31 December 2017 remains active and is decided on in accordance with the provisions of the Educational Childcare Act as they read on or after the latter date.

32. A home childcare provider who, on 8 December 2017, has not registered with the single-window access to childcare services provided for in section 59.1 of the Educational Childcare Act, enacted by section 12, has until 1 September 2018 to comply with sections 59.1 and 59.2, enacted by section 12.

33. A day care centre permit holder who has no subsidized childcare spaces under section 93 of the Educational Childcare Act and who, on 8 December 2017, has not registered with the single-window access to childcare services provided for in section 59.1 of the Educational Childcare Act, enacted by section 12, has until 1 September 2018 to comply with sections 59.1 and 59.2, enacted by section 12.

34. The provisions of this Act come into force on 8 December 2017, except

(1) sections 4 and 5, paragraph 2, paragraph 3 and paragraph 4, to the extent that it enacts subparagraphs 29.4 to 29.7 of the first paragraph of section 106 of the Educational Childcare Act, of section 20, section 22, to the extent that it enacts section 113.4 of that Act, and section 24, which come into force on 1 May 2018;

(2) sections 6 to 9, 13 to 16, 19, 25 and 26, which come into force on 31 December 2017.

Coming into force of Acts

Gouvernement du Québec

O.C. 86-2018, 7 February 2018

Building Act in respect of the Act respecting pressure vessels (1985, chapter 34)
— Coming into force of section 214 of the Act

COMING INTO FORCE of section 214 of the Building Act in respect of the Act respecting pressure vessels

WHEREAS the Building Act (1985, chapter 34) was assented to on 20 June 1985;

WHEREAS section 214 of the Act provides that it replaces, in particular, the Act respecting pressure vessels (chapter A-20.01);

WHEREAS section 301 of the Building Act (chapter B-1.1), replaced by section 132 of the Act to amend the Building Act and other legislation (1991, chapter 74), provides in particular that the provisions of the Act come into force on the date or dates set by the Government, except for certain provisions listed therein, including those of section 214 as regards the Act respecting building contractors vocational qualifications (chapter Q-1), which came into force on 1 February 1992;

WHEREAS, under Orders in Council 960-2002 dated 21 August 2002, 874-2003 dated 20 August 2003 and 857-2012 dated 1 August 2012, section 214 of the Building Act came into force on 1 October 2002 as regards the Act respecting piping installations (chapter I-12.1) and the Act respecting electrical installations (chapter I-13.01), on 2 December 2003 as regards the Gas Distribution Act (chapter D-10) and on 30 August 2012 as regards the Act respecting the conservation of energy in buildings (chapter E-1.1) in respect of buildings and equipment intended for public use to which Part 11 of the Code adopted by Chapter I of the Construction Code (chapter B-1.1, r. 2) applies;

WHEREAS it is expedient to set 8 March 2018 as the date of coming into force of section 214 of the Building Act as regards the Act respecting pressure vessels;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and Housing:

THAT 8 March 2018 be set as the date of coming into force of section 214 of the Building Act (1985, chapter 34) as regards the Act respecting pressure vessels (chapter A-20.01).

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

103346

Regulations and other Acts

Gouvernement du Québec

O.C. 70-2018, 7 February 2018

Pesticides Act
(chapter P-9.3)

Pesticides Management Code — Amendment

Regulation to amend the Pesticides Management Code

WHEREAS, under sections 101 and 105 of the Pesticides Act (chapter P-9.3), the Government enacts by regulation a Pesticides Management Code which may prescribe rules, restrictions or prohibitions respecting activities related to the distribution, sale or use of any pesticide, and the content of the Code may vary according to the classes of persons carrying on the activities, the environment in which the activities are carried on, the means or systems used or the pesticides or classes of pesticides;

WHEREAS, under paragraphs 8, 10, 11 and 13 of section 109 of the Act, the Government may, by regulation, prescribe the requirements to be observed by the holder of a permit or certificate, indicate the registers that must be kept by all or some of the permit holders, indicate the records or other documents to be preserved, and prescribe any other measure required to facilitate the carrying out of the Act;

WHEREAS, under section 107 and paragraph 12 of section 109 of the Act, the Government may prescribe that contravention of the provisions of the regulations which it indicates constitutes an offence;

WHEREAS the Government made the Pesticides Management Code (chapter P-9.3, r. 1);

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 Pesticides Management Code 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 it is expedient to make the Regulation to amend the Pesticides Management Code with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Pesticides Management Code, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Pesticides Management Code

Pesticides Act
(chapter P-9.3, ss. 101, 105, 107 and 109, pars. 8, 10, 11, 12 and 13)

1. The Pesticides Management Code (chapter P-9.3, r. 1) is amended in section 1

(1) by replacing subparagraph *b* of paragraph 2 of the definition “protected immovable” by the following:

“(b) a building used or intended to be used to shelter or receive persons or animals, or any other administrative or commercial building;”;

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

“The expression “apply a pesticide” includes, for the purposes of this Code, the action of putting a pesticide into or on the soil.”.

2. Section 21 is amended by replacing “the Canadian Transport Emergency Centre” in subparagraph 5 of the first paragraph by “Transport Canada’s Canadian Transport Emergency Centre”.

3. Section 26 is amended by replacing the second paragraph by the following:

“It is also prohibited to sell or offer for sale Class 4 or Class 5 pesticides in a package containing more than one pesticide container, except if the pesticide is used as

(1) insect attractant or repellent;

(2) insecticide for the treatment of domestic animals;

- (3) insect or rodent bait trap;
- (4) repellent; or
- (5) larvicide controlling biting insects.

Packages must consist of containers bearing the same registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28) and the total volume or weight of the containers must not exceed 1 litre or 1 kg.”.

4. Section 27 is amended by inserting “Class 3A pesticides or” after “except in the case of”.

5. Section 32 is replaced by the following:

“**32.** Only biopesticides or pesticides containing any of the active ingredients listed in Schedule II may be applied inside or outside the following establishments:

(1) childcare centres, day care centres and home childcare residences governed by the Educational Childcare Act (chapter S-4.1.1);

(2) preschools, primary or secondary schools governed by the Education Act (chapter I-13.3), the Education Act for Cree, Inuit and Naskapi Native persons (chapter I-14) or the Act respecting private education (chapter E-9.1).

32.1. Despite section 32, a pesticide containing any of the following active ingredients may, on the conditions set hereafter, be applied inside or outside an establishment referred to in that section:

(1) cyfluthrin to control or destroy flying insects, crawling insects, food insects or wood insects if the pesticide application

i. is carried out by a holder of a Subclass C5 permit; and

ii. is preceded by the application of a biopesticide or a pesticide containing an active ingredient listed in Schedule II, carried out at least 7 days before the application of a pesticide containing that active ingredient, in the case of crawling insects or wood insects;

(2) D-phenothrin or tetramethrin to destroy wasps’, hornets’ or bees’ nests if the pesticide application is carried out by a holder of a Subclass C5 permit;

(3) bromadiolone in combination with denatonium benzoate or bromethalin in combination with denatonium benzoate to control or destroy rodents if

i. the pesticide is used in solid form in traps, stations or containers that prevent any contact with human beings and that are locked; and

ii. the pesticide application is carried out by a holder of a Subclass C5 permit.

A pesticide to control the emerald ash borer may also be injected in the trees on the grounds of an establishment referred to in section 32 if

(1) the injection is carried out by a holder of a Subclass C4 permit and the holder of the permit takes the measures required to prevent any person from coming into contact with the injector; and

(2) the injection holes are sealed after the application.

The holder of a permit referred to in this section must, at least 24 hours before the application of a pesticide referred to in the first or the second paragraph, notify the administrator of the establishment in writing. The holder of the permit must state in the notice the name of the pesticide to be applied and the name of the active ingredients, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28), the reasons justifying the application of the pesticide and the proposed date and time of the application.”.

6. Section 33 is replaced by the following:

“**33.** The application of a biopesticide or a pesticide referred to in section 32 or in subparagraph 1 or 2 of the first paragraph of section 32.1 must be carried out outside the establishment’s period of activities that take place inside or outside an establishment referred to in section 32.

The same applies for the injection of a pesticide referred to in the second paragraph of section 32.1 whose application period corresponds to the period during which the injector is in the tree.

Where the application of a biopesticide or a pesticide referred to in the first paragraph is carried out inside an establishment, the application must be followed by a period of at least 8 hours before the services or activities resume in the treated premises. If the pesticide applied contains cyfluthrin, that period must be at least 12 hours.”.

7. Section 34 is amended by striking out “and to a farmer or forest manager within the meaning of section 33 of that Act who uses Class 3 pesticides”.

8. Section 38 is amended by inserting “Class 1 to Class 3, Class 4 or Class 5” after “prepares or loads” in the first paragraph.

9. Section 49 is amended by replacing “50 to 74” by “50 to 74.4”.

10. Section 66 is revoked.

11. The following is inserted after section 74:

“6. Agricultural purposes

74.1. It is prohibited to apply, for agricultural purposes, Class 3A pesticides or Class 1 to Class 3 pesticides containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam unless an agronomic justification containing the following information has been obtained:

- (1) the number of the document;
- (2) the name, address, telephone number and, where applicable, email address of the farmer who intends to apply the pesticide;
- (3) where applicable, the name, address and telephone number of the owner of the parcel;
- (4) the name, address of the professional domicile and, where applicable, email address of the mandated agrologist and the agrologist’s member number in the Ordre des agronomes du Québec;
- (5) in the case of Class 1 to Class 3 pesticides, the crop to be treated;
- (6) the identification of the parcel in which the work is to be performed;
- (7) the identification of the phytosanitary problem;
- (8) an evaluation of the phytosanitary problem;
- (9) an analysis of the various possible phytosanitary interventions, including alternative pest control methods available;
- (10) the treatment required;
- (11) the reasons justifying the choice of the treatment;
- (12) the name of the active ingredient involved in the treatment and
 - (a) in the case of Class 1 to Class 3 pesticides, the names of the pesticides containing the active ingredient involved and the quantity required; and
 - (b) in the case of Class 3A pesticides, the quantity of seeds required and the plant species concerned;

(13) the expiry date of the justification;

(14) the signature of the agrologist and the date.

74.2. The agronomic justification referred to in section 74.1 is accompanied by an agronomic prescription signed by the agrologist who prepared the agronomic justification.

The prescription must be dated and must contain

- (1) the number of the agronomic justification;
- (2) the name, address and telephone number of the farmer;
- (3) the name and address of the professional domicile of the agrologist who signed it and the agrologist’s member number in the Ordre des agronomes du Québec;
- (4) the name of the active ingredient involved in the treatment and
 - (a) in the case of Class 1 to Class 3 pesticides, the names of the pesticides containing the active ingredient involved and the quantity required; and
 - (b) in the case of Class 3A pesticides, the quantity of seeds required and the plant species concerned; and
- (5) the expiry date of the prescription.

74.3. The pesticides referred to in section 74.1 must be applied in compliance with the conditions listed in the agronomic justification.

The validity period of the justification may not exceed 1 year and the justification may not cover more than 1 crop per parcel or per group of parcels.

The validity period of the agronomic prescription may not exceed the expiry date provided for in the justification.

In addition, the farmer must keep the agronomic justification for a period of 5 years following the date of its signature by the agrologist. The farmer must send a copy to every person authorized by the Minister who so requests.

74.4. Despite sections 74.1 to 74.3, Class 1 or Class 3 pesticides containing chlorpyrifos, clothianidin, imidacloprid or thiamethoxam may be applied before obtaining an agronomic justification where, in the opinion of the agrologist, the application of the pesticide is the treatment most appropriate to ensure rapid control of an insect pest that endangers a crop.

In that case, an agronomic prescription must be obtained before applying the pesticide. The prescription must be signed and dated, and contain the information provided for in paragraphs 2 to 5 of section 74.2. In addition, it must bear a number preceded by the letter “U” and indicate the parcel or group of parcels where the application will take place.

The pesticide must be applied within 36 hours of the issue of the agronomic prescription and comply with the conditions mentioned therein.

An agronomic justification including the information provided for in paragraphs 1 to 12 and 14 of section 74.1 must be obtained not later than 2 business days after the issue of the agronomic prescription. As regards paragraph 1 of section 74.1, the agronomic justification bears the number indicated in the agronomic prescription.

In addition, the farmer must keep the agronomic justification for a period of 5 years following the date on which the agrologist signed it. The farmer must send a copy to any person authorized by the Minister who so requests.”.

12. Section 75 is amended by replacing “86” in the first paragraph by “86.1”.

13. Section 86 is amended

(1) by replacing “or protected immovable” in the first paragraph by “, protected immovable or bicycle path physically separated from the automobile traffic and that has its own right of way”;

(2) by inserting “or bicycle path physically separated from the automobile traffic and that has its own right of way” after “protected immovable” in the third paragraph.

14. The following is added after section 86:

“**86.1.** Sections 74.1 to 74.4 apply, with the necessary modifications, to the application, for agricultural purposes, of Class 1 to Class 3 pesticides containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam.

§4. Register of the use of pesticides for agricultural purposes

86.2. The farmer who carries out, for agricultural purposes, work involving the application of Class 1 to Class 3A pesticides must keep a register containing

(1) the name, address, telephone number and, where applicable, email address of the farmer and those of the owner of the premises, if applicable;

(2) the date on which the work was performed;

(3) the reasons justifying the work;

(4) the name of the certificate holder who carried out or supervised the work and the certificate number;

(5) the identification of the parcel or building where the work was carried out;

(6) in the case of Class 1 to Class 3 pesticides, the identification of what the treatment was applied to and its area, volume or quantity;

(7) in the case of Class 3A pesticides, the area treated;

(8) the name of the pesticide used and the name of its active ingredients;

(9) the quantity of pesticide used or, in the case of Class 3A pesticides, the quantity of seeds and the plant species concerned;

(10) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

(11) if the pesticide used is referred to in section 74.1 or 74.4, the number of the agronomic justification obtained, the name of the agrologist who signed it and the agrologist’s member number in the Ordre des agronomes du Québec.

The farmer must keep the register referred to in the first paragraph for a period of 5 years following the date of the last entry.”.

15. Section 87 is replaced by the following:

“**87.** Every person who commits an offence under sections 5, 6, 8 to 33, 35 to 40, 42 to 48, 50 to 53, 55 to 74.4, 76 to 78 and 80 to 86.2 is liable to the penalties prescribed by section 118 of the Pesticides Act (chapter P-9.3).”.

16. Schedule I is amended by inserting “Clothianidin” after “Carbaryl” and “Imidacloprid” after “Dicofol” under “Insecticides”.

17. This Regulation comes into force on 8 March 2018, except

(1) section 16, which comes into force on 8 March 2019;

(2) the provisions relating to the agronomic justification and prescription comprised in sections 74.1 to 74.4 and section 86.2, introduced by sections 11 and 14 of this Regulation, which come into force, depending on the pesticide concerned, on the following dates:

Date	Pesticides
8 March 2018	Class 1 to Class 3 pesticides containing atrazine
8 September 2018	Class 3A pesticides
1 April 2019	Class 1 to Class 3 pesticides containing chlorpyrifos, clothianidin, imidacloprid or thiamethoxam.

103340

Gouvernement du Québec

O.C. 71-2018, 7 February 2018

Pesticides Act
(chapter P-9.3)

Permits and certificates for the sale and use of pesticides

— Amendment

Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides

WHEREAS, under sections 32 and 101 of the Pesticides Act (chapter P-9.3), the Government, by regulation, designates, among the classes of pesticides it establishes, those for which a permit or certificate is required and the contents of the regulation may vary according to the classes or subclasses of permits or certificates;

WHEREAS, under paragraphs 1, 3, 4, 8, 10, 11, 12 and 13 of section 109 of the Act, the Government may, by regulation, establish classes of pesticides, prescribe the requirements to be observed by the holder of a permit or certificate and indicate the registers that must be kept by all or some of the permit holders;

WHEREAS the Government made the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2);

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 permits and certificates for the sale and use of pesticides 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 it is expedient to make the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides

Pesticides Act
(chapter P-9.3, ss. 32, 101 and 109, pars. 1, 3, 4, 8, 10, 11, 12 and 13)

1. The Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) is amended by inserting the following after section 1:

“**1.1.** For the purposes of this Regulation, the action of putting a pesticide into or on the soil is considered to be the application of a pesticide.”

2. The following is inserted after section 5:

“**5.1.** Every pesticide that coats a seed of oats, wheat, canola, forage corn, grain corn, sweet corn, barley or soybean and that is constituted of a mixture that contains one or more of the following active ingredients is included in Class 3A:

- (1) clothianidin;
- (2) imidacloprid;
- (3) thiamethoxam.”

3. Section 7 is amended

(1) by adding the following at the end of subparagraph 2 of the first paragraph:

“(z) metofluthrin;

(aa) imiprothrin;

(bb) prallethrin;

(cc) cyfluthrin;

(dd) momfluorothrin;

(ee) biopesticides;”;

(2) by adding the following at the end of subparagraph 3 of the first paragraph:

“(d) biopesticides.”;

(3) by replacing the second paragraph by the following:

“Despite subparagraphs *o*, *p* and *ee* of subparagraph 2 of the first paragraph, a mixture requiring no preparation or dilution containing exclusively diatomaceous earth, soap or biopesticides may be marketed in a volume or weight greater than 1 litre or 1 kg.”.

4. Sections 12 and 13 are replaced by the following:

12. A Class A “Wholesale Permit” covers the sales activities for the purposes of resale of Class 1 to Class 5 pesticides.

13. A Class B “Retail Permit” covers sales activities for the purposes of use of Class 1 to Class 4 pesticides included in the following subclasses:

(1) Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” covers sales activities involving Class 1 to Class 3A pesticides;

(2) Subclass B2 “Retail Sale of Class 4 Pesticides” covers sales activities involving Class 4 pesticides.”.

5. Section 14 is amended

(1) by replacing “Class 1 to Class 4” in subparagraphs 1 to 5, 7, 9 and 10 of the first paragraph by “Class 1 to Class 3 and Class 4”;

(2) by inserting “, to destroy or control invertebrate animals that attack seeds or to prevent and fight seed parasitic diseases” after “aquatic environment” in subparagraph 5 of the first paragraph;

(3) by inserting “sulfuryl fluoride,” after “carbon dioxide” in subparagraph 6 of the first paragraph;

(4) by replacing “C8 “Application sur les terres cultivées” vise l’application d’un pesticide des classes 1 à 4, par un mode d’application autre qu’un aéronef, sur des terres cultivées” in subparagraph 8 of the first paragraph of the French text by “C8 “Application en terres cultivées” vise l’application d’un pesticide des classes 1 à 4, par un mode d’application autre qu’un aéronef, en terres cultivées”.

6. Section 15 is amended

(1) by replacing “D10” in the portion before paragraph 1 by “D11”;

(2) by inserting “, to destroy or control invertebrate animals that attack seeds or to prevent and fight seed parasitic diseases” after “aquatic environment” in paragraph 5;

(3) by inserting “sulfuryl fluoride,” after “carbon dioxide,” in paragraph 6.

7. Section 17 is amended

(1) by adding “and, where applicable, email address” at the end of subparagraph 1 of the second paragraph;

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

“A request for a duplicate of a permit must be made on the form provided by the Minister and must include the information provided for in subparagraphs 1 to 3 of the second paragraph and the reason for the request.”.

8. Sections 34 and 34.1 are replaced by the following:

34. A Class A “Certificate for the Wholesale of Pesticides” covers

(1) sales activities for the purposes of resale of Class 1 to Class 5 pesticides; and

(2) the supervision of those activities at the places where they are performed.

34.1. A Class B “Certificate for the Retail Sale of Pesticides” covers sales activities for the purposes of use of Class 1 to Class 4 pesticides included in the following subclasses:

(1) Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3A Pesticides” covers the sales activities involving Class 1 to Class 3A pesticides and the supervision of those activities at the places where they are performed;

(2) Subclass B2 “Certificate for the Retail Sale of Class 4 Pesticides” covers the sales activities involving Class 4 pesticides and the supervision of those activities at the places where they are performed.”.

9. Section 35 is amended

(1) by replacing “Class 1 to Class 4” in paragraphs 1 to 5, 7, 9 and 10 by “Class 1 to Class 3 and Class 4”;

(2) by replacing “sur les terres cultivées” in paragraph 8 of the French text by “en terres cultivées”;

(3) by striking out “, in respect of a Class 1 to Class 4 pesticide,” and “, in respect of a Class 1 to Class 3 pesticide,” in paragraph 11.

10. Section 36 is amended

(1) by replacing “Class 1 to Class 3” in the portion preceding paragraph 1 by “Class 1 to Class 3A”;

(2) by replacing “Class 1 or Class 2” in subparagraph *a* of paragraph 1 by “Class 1 to Class 3A”;

(3) by striking out paragraph 1.1;

(4) by replacing “Class 1 to Class 3” in subparagraph *a* of paragraph 2 by “Class 1 to Class 3A”;

(5) by inserting “sulfuryl fluoride” after “carbon dioxide” in paragraph 5.

11. Section 38 is amended

(1) by adding “and, where applicable, email address” at the end of subparagraph 1 of the second paragraph;

(2) by striking out “E1.1,” in the fourth paragraph;

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

“A request for a duplicate of a certificate must be made on the form provided by the Minister and must include the information provided for in subparagraph 1 of the second paragraph and the reason for the request.”.

12. The heading of Division V is replaced by “CONDITIONS FOR PERFORMING ACTIVITIES AUTHORIZED UNDER PERMITS AND CERTIFICATES”.

13. The following is inserted after the heading of Division V:

“§1. *Restrictions on the sale of certain pesticides*”.

14. Sections 43 to 45 are replaced by the following:

“**43.** The holder of a permit or certificate for wholesale may offer to sell, sell or cause to be sold

(1) a Class 1 to Class 3A pesticide only to a person holding a Subclass B1 wholesale or retail sale permit;

(2) a Class 4 pesticide only to a person holding a Subclass B2 wholesale or retail sale permit;

(3) a Class 5 pesticide only to a person holding a wholesale or retail sale permit or to a person who sells retail such a pesticide; and

(4) a pesticide that is a topical medication intended for animals to a person who sells retail such a pesticide.

44. The holder of a Subclass B1 retail sale permit or certificate may offer to sell, sell or cause to be sold

(1) a Class 1 pesticide only to a person holding a certificate of authorization issued under section 22 of the Environment Quality Act (chapter Q-2);

(2) a pesticide constituted in whole or in part of methyl bromide, carbon dioxide, sulfuryl fluoride, ethylene oxide, phosphine, aluminum phosphide or magnesium phosphide only to a person holding a Subclass C6 or D6 permit or a Subclass E5 certificate;

(3) a Class 3A pesticide only to a person who meets either of the following conditions and who provides an agronomic prescription that meets the requirements of section 74.2 or, where applicable, section 74.4 of the Pesticides Management Code (chapter P-9.3, r. 1):

(a) the person holds a Subclass C8 permit;

(b) the person is exempt, under section 35 of the Pesticides Act (chapter P-9.3), from the requirement to hold such a permit, but the person is the holder of a Subclass E1 or E2 certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate; and

(4) a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam only to a person who meets either of the following conditions and who provides an agronomic prescription that meets the requirements of section 74.2 or, where applicable, section 74.4 of the Pesticides Management Code:

(a) the person holds a Subclass C1, C8 or D1 permit;

(b) the person is exempt, under section 35 of the Pesticides Act (chapter P-9.3), from the requirement to hold such a permit, but holds a Subclass E1 or E2 certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate;

(5) a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam only to a person who meets either of the following conditions:

(a) the person holds a permit authorizing the person to cause to be performed work involving the use of such a pesticide other than a Subclass C1, C8 or D1 permit;

(b) the person is exempt, under section 35 of the Pesticides Act (chapter P-9.3), from the requirement to hold such a permit, but holds a Subclass E3 or a Class F certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate; and

(6) Class 2 to Class 3 pesticides other than those listed in paragraphs 2 and 4 only to a person who meets either of the following conditions:

(a) the person holds a permit authorizing the person to cause to be performed work involving the use of such a pesticide;

(b) the person is exempt, under section 35 of the Pesticides Act (chapter P-9.3), from the requirement to hold such a permit, but the person is the holder of a Class E or F certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate.

45. The holder of a Subclass B2 retail sale permit or certificate may offer for sale, sell or cause to be sold a Class 4 pesticide only to a legal person or a natural person 16 years of age or over.”

15. Section 46 is revoked.

16. Division VI is replaced by the following subdivision:

“§2. *Registers*”.

17. Sections 47 to 55 are replaced by the following:

“**47.** A holder of a Class A permit must keep a register of purchases, as well as a register of sales.

The registers must indicate the name, address, telephone number and permit number of the holder and, where applicable, email address and the name and address of the establishment involved. For each purchase or sale of pesticide, the registers must also indicate

(1) the date of the purchase or sale, as the case may be;

(2) in the case of a purchase, the name and address of the supplier and, where applicable, the permit number of the supplier;

(3) in the case of a sale, the name and address of the customer and, where applicable, the permit number of the customer;

(4) the name and class of the pesticide purchased or sold and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;

(5) in the case of a Class 1 to Class 3, a Class 4 and a Class 5 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;

(6) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

(7) the quantity of pesticide purchased or sold or, in the case of a Class 3A pesticide, the quantity of seeds purchased or sold and the plant species concerned.

48. A holder of a Subclass B1 permit must keep a register of purchases and a register of sales.

The registers must indicate the name, address, telephone number and permit number of the holder, and, where applicable, email address and the name and address of the establishment involved. For each purchase or sale of pesticide, the registers must also indicate

- (1) the date of purchase or sale, as the case may be;
- (2) in the case of a purchase, the name and address of the supplier and, where applicable, the permit number of the supplier;
- (3) in the case of a sale, the name and address of the customer and
 - (a) the permit number if the customer is a permit holder;
 - (b) the certificate number if the customer is a certificate holder; or
 - (c) if, under section 35 of the Pesticides Act (chapter P-9.3), the customer is exempt from the requirement to hold a permit and does not hold a certificate, the certificate number of the customer's employee;
- (4) the name and class of pesticide purchased or sold and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;
- (5) in the case of a Class 1 to Class 3 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;
- (6) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);
- (7) the quantity of pesticide purchased or sold or, in the case of a Class 3A pesticide, the quantity of seeds purchased or sold and the plant species concerned;
- (8) in the case of the sale of a Class 1 pesticide, the number of the certificate of authorization issued under section 22 of the Environment Quality Act (chapter Q 2);
- (9) in the case of the sale of a Class 3A pesticide, the number of the agronomic justification indicated in the agronomic prescription or, where applicable, the number of the agronomic prescription, the name of the agrologist who signed the prescription and the agrologist's member number in the Ordre des agronomes du Québec; and
- (10) in the case of the sale of a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam made under paragraph 4 of section 44, the number of the agronomic justification indicated in the agronomic prescription or, where applicable, the number of the agronomic prescription, the name of the agrologist who signed the prescription and the agrologist's member number in the Ordre des agronomes du Québec.

49. A holder of a Class C or Class D permit must, for Class 1 to Class 3A pesticides, keep a register of purchases.

The register must indicate the name, address, telephone number and permit number of the holder and, where applicable, email address and the name and address of the establishment involved. For each purchase, it must also indicate

- (1) the date of purchase;
- (2) the name, address and permit number of the supplier;
- (3) the name and class of the pesticide purchased and, in the case of a Class 3A pesticide, the name of its active ingredients;
- (4) the quantity of pesticide purchased or, in the case of a Class 3A pesticide, the quantity of seeds purchased and the plant species concerned;
- (5) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and
- (6) in the case of a Class 1 pesticide, the number of the certificate of authorization issued under section 22 of the Environment Quality Act (chapter Q 2).

50. A holder of a Class C permit must keep a pesticide use register.

The register must indicate the name, address, telephone number and permit number of the holder and, where applicable, email address and the name and address of the establishment involved. For each activity related to the performance of work involving the use of a pesticide, the register must also indicate

- (1) the date on which the work was performed;
- (2) the name, address and telephone number of the customer;
- (3) the reasons justifying the work;
- (4) the name of the certificate holder who performed or supervised the work and the certificate number;
- (5) in the case of Class 1 to Class 3 and Class 4 pesticides, the identification of what the treatment was applied to, its area, volume or quantity or, in the case of Class 3A pesticides, the area treated;

- (6) the place where the work was performed;
- (7) in the case of an aerial application, the wind direction, the name of the pilot and the type and registration number of each aircraft used;
- (8) in the case of an application by fumigation, the date and time of each gas content measurement taken during the ventilation period of the place fumigated and the concentration of gas then observed;
- (9) the name and class of the pesticide used and, in the case of a Class 3A pesticide, the name of its active ingredients;
- (10) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);
- (11) the quantity of pesticide used or, in the case of a Class 3A pesticide, the quantity of seeds used and the plant species concerned; and
- (12) in the case of a Class 3A pesticide and, where applicable, a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam, the number of the agronomic justification indicated in the agronomic prescription or, where applicable, the number of the agronomic prescription, the name of the agrologist who signed the prescription and the agrologist's member number in the Ordre des agronomes du Québec.

Each entry of work in the register must be signed by the certificate holder who performed or supervised the work.

51. A holder of a Class D permit must keep a pesticide use register.

The register must indicate the name, address, telephone number and permit number of the holder and, where applicable, email address. For each activity related to the performance of work involving the use of a pesticide, the register must also indicate the information referred to in subparagraphs 1 and 3 to 12 of the second paragraph of section 50.

Each entry of work in the register must be signed by the certificate holder who performed or supervised the work.

52. A register referred to in sections 47 to 51 must be kept for a period of 5 years as of the date of the last entry.

53. A holder of a Subclass C1 or D1 permit must, for aerial application, delimit on a map the locations treated and the take-off sites of the aircraft used.

Each map must be kept for a period of 5 years as of the date on which the work is performed.

§3. *Declarations*

54. A holder of a Class A permit must, not later than 31 January of each year, declare to the Minister the sales of pesticide, except a pesticide purchased from a holder of a Class A permit, made in the preceding year.

The declaration must indicate

- (1) the name, address, telephone number and permit number of the holder and, where applicable, email address; and
- (2) the name and telephone number of the person who completed the declaration.

The declaration must also indicate

- (1) the name and class of each pesticide sold and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;
- (2) in the case of a Class 1 to Class 3, a Class 4 and a Class 5 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;
- (3) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and
- (4) the quantity of pesticide sold or, in the case of a Class 3A pesticide, the quantity of seeds sold and the plant species concerned.

The declaration must be sent to the Minister.

This section applies where no pesticide has been sold, except subparagraphs 1 to 3 of the third paragraph.

The permit holder must certify the accuracy of the information contained in the declaration.

55. A holder of a Subclass B1 permit must, not later than 31 January of each year, declare to the Minister purchases of pesticide, except a pesticide purchased from a holder of a Class A permit, made in the preceding year.

The declaration must indicate

- (1) the name, address, telephone number and permit number of the holder and, where applicable, email address; and

(2) the name and telephone number of the person who completed the declaration.

The declaration must also indicate

(1) the name and class of each pesticide purchased and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;

(2) in the case of a Class 1 to Class 3 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;

(3) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28); and

(4) the quantity of pesticide purchased or, in the case of a Class 3A pesticide, the quantity of seeds purchased and the plant species concerned.

The declaration must be sent to the Minister.

This section applies where no pesticide has been purchased, except subparagraphs 1 to 3 of the third paragraph.

The permit holder must certify the accuracy of the information contained in the declaration.

55.1. A holder of a Subclass B1 permit must, not later than 31 January of each year, declare to the Minister the sales of Class 3A pesticide or of pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam made in the preceding year under paragraphs 3 and 4 of section 44.

The declaration must indicate

(1) the name, address, telephone number and permit number of the holder and, where applicable, email address; and

(2) the name and telephone number of the person who completed the declaration.

For each sale, the declaration must also indicate

(1) the name and class of the pesticide sold and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients;

(2) in the case of a Class 1 to 3 pesticide, the concentration of the active ingredients expressed in weight per unit of volume or in percentage by weight, where the label does not indicate the concentration of active ingredients in one of those expressions;

(3) where applicable, the registration number assigned to the pesticide under the Pest Control Products Act (S.C. 2002, c. 28);

(4) the quantity of pesticide sold or, in the case of a Class 3A pesticide, the quantity of seeds sold and the plant species concerned;

(5) the number of the permit or certificate of the customer or, where applicable, the number of the certificate of the customer's employee; and

(6) the name of the agrologist who signed the agronomic prescription and the number of the agronomic justification indicated in the agronomic prescription or, where applicable, the number of the agronomic prescription and the agrologist's member number in the Ordre des agronomes du Québec.

The declaration must be sent to the Minister.

This section applies where no pesticide has been sold, except subparagraphs 1 to 3, 5 and 6 of the third paragraph.

The permit holder must certify the accuracy of the information contained in the declaration.”

18. Division VII is replaced by “DIVISION VI OFFENCES”.

19. Section 56 is replaced by the following:

“**56.** Any contravention of sections 43 to 55.1 constitutes an offence.”

20. Class A, Subclass B1 and Subclass C8 permits and Class A, Subclass B1, Subclass CD8, Subclass E1 and Subclass E2 certificates become exigible for Class 3A pesticides on 8 September 2018.

21. A Class A permit and Class A and Subclass E2 certificates issued before 8 September 2018 include Class 3A pesticides as of that date, with no further formality.

22. Subclass B1 and Subclass C8 permits and Subclass B1, Subclass CD8 and Subclass E1 certificates issued between 8 March 2018 and 8 September 2018 include Class 3A pesticides as of 8 September 2018, with no further formality.

23. A Subclass B1 “Retail Sale of Class 1 to Class 3 Pesticides” permit issued before 8 March 2018 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” permit and includes Class 3A pesticides as of 8 September 2018, with no further formality.

24. A Subclass C5 permit and a Subclass D5 permit issued before 8 March 2018 authorize the holder to carry on, according to the Subclass permit, the activities referred to in subparagraph 5 of the first paragraph of section 14 or paragraph 5 of section 15 of the Regulation respecting permits and certificates for the sale and use of pesticides, as they read on 7 March 2018 until the expiry date of the permit validity period.

25. A Subclass C6 permit and a Subclass D6 permit issued before 8 March 2018 include sulfuryl fluoride as of that date, with no further formality.

26. A Subclass C8 “Application on Cultivated Land” permit issued before 8 March 2018 corresponds as of that date to the Subclass C8 “Application on Cultivated Land” permit and includes Class 3A pesticides as of 8 September 2018, with no further formality.

27. A Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3 Pesticides” issued before 8 March 2018 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3A Pesticides” certificate and includes Class 3A pesticides as of 8 September 2018, with no further formality.

28. A Subclass CD8 “Certificate for Application on Cultivated Land” issued before 8 March 2018 corresponds as of that date to the Subclass CD8 “Certificate for Application on Cultivated Land” and includes Class 3A pesticides as of 8 September 2018, with no further formality.

29. A Subclass E1 certificate issued before 8 March 2018 includes as of that date Class 3 pesticides and Class 3A pesticides as of 8 September 2018, with no further formality.

30. A Subclass E1.1 “Farm Producer’s Certificate for the Application of Class 3 Pesticides” issued before 8 March 2018 corresponds as of that date to the Subclass E1 “Farm Producer’s Certificate” and includes the Class 1 and Class 2 pesticides as of 8 March 2018 and Class 3A pesticides as of 8 September 2018, with no further formality.

31. A Subclass E5 certificate issued before 8 March 2018 includes sulfuryl fluoride as of that date, with no further formality.

32. This Regulation comes into force on 8 March 2018, except

(1) section 2 of this Regulation, which comes into force on 8 September 2018;

(2) the provisions related to the requirement to provide an agronomic prescription, which come into force, depending on the pesticide concerned, on the following dates:

Date	Pesticides
8 March 2018 atrazine	Class 1 to Class 3 pesticides containing atrazine
8 September 2018	Class 3A pesticides
1 April 2019	Class 1 to Class 3 pesticides containing chlorpyrifos, clothianidin, imidacloprid or thiamethoxam.

103341

Gouvernement du Québec

O.C. 80-2018, 7 February 2018

Mining Act
(chapter M-13.1)

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

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

WHEREAS, under paragraph 10 of section 306 of the Mining Act (chapter M-13.1), the Government may, by regulation, specify in particular the minimum cost of the work required under the Act;

WHEREAS, under the second paragraph of section 307 of the Act, the minimum cost of the work referred to in paragraph 10 of section 306 may vary according to the area of the land on which it is performed, the regions where the land is situated or the number of terms of the claim;

WHEREAS the Government made the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine was published in Part 2 of the *Gazette officielle du Québec* of 4 October 2017 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Energy and Natural Resources and Minister responsible for the Plan Nord:

THAT the Regulation to amend the Regulation respecting mineral substances other than petroleum, natural gas and brine, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

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

Mining Act
(chapter M-13.1, s. 306, par. 10, and s. 307, 2nd par.)

1. The Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2) is amended in section 138.2 by replacing “2-year” in the part preceding section 15 by “3-year”.

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

103343

Gouvernement du Québec

O.C. 84-2018, 7 February 2018

Medical Act
(chapter M-9)

Specialized nurse practitioners

Regulation respecting specialized nurse practitioners

WHEREAS, under subparagraph *b* of the first paragraph of section 19 of the Medical Act (chapter M-9), the board of directors of the Collège des médecins du Québec must, by regulation, determine among the activities referred to in the second paragraph of section 31 of the Act those which, under certain prescribed conditions, may be engaged in by classes of persons other than physicians and, for that purpose, the board of directors may, in the regulation, establish an advisory committee;

WHEREAS, in accordance with the second paragraph of section 19 of the Act, the board of directors of the Collège des professions du Québec and the Ordre des infirmières et des infirmiers du Québec before passing the Regulation respecting specialized nurse practitioners on 9 December 2016;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26) and 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 such an order must be transmitted to the Office for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting specialized nurse practitioners was published in Part 2 of the *Gazette officielle du Québec* of 19 April 2017 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 examined the Regulation on 13 November 2017 and 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 and of the Minister of Health and Social Services:

THAT the Regulation respecting specialized nurse practitioners, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting specialized nurse practitioners

Medical Act
(chapter M-9, s. 19, 1st par., subpar. *b*)

CHAPTER I GENERAL

1. The purpose of this Regulation is to determine, among the medical activities that may be performed by physicians, those that, pursuant to the terms and conditions set out in the Regulation, may be performed by the following persons:

(1) a specialized nurse practitioner, that is, a nurse who holds a specialist's certificate in any of the classes of specialization referred to in the Regulation respecting the classes of specialization of specialized nurse practitioner (chapter I-8, r. 8);

(2) a specialized nurse practitioner student, that is, a nurse who holds a training card issued in accordance with the Regulation respecting the classes of specialization of specialized nurse practitioner;

(3) a specialized nurse practitioner candidate, that is, a nurse who holds an attestation of practice issued in accordance with the Regulation respecting the classes of specialization of specialized nurse practitioner.

2. For the purposes of this Regulation,

(1) “isolated region facility” means a primary care facility or a dispensary listed in Schedule I;

(2) “chronic disease” means a disease that has been the subject of a diagnosis by a physician and of a medical treatment plan giving the expected results;

(3) “common health problem” means a health problem that presents the following characteristics:

- (a) a relatively high incidence in the community;
- (b) clinical symptoms and signs usually affecting a single system;
- (c) an absence of deterioration in the general condition of the person;
- (d) usually a quick and favourable course.

(4) “primary care” means health care that presents the following characteristics:

- (a) it is intended for persons, mainly living at home, having common health needs or problems;
- (b) it includes a series of common health services based on a simple infrastructure in diagnostic and therapeutic means;

(5) “secondary care” means health care that presents the following characteristics:

- (a) it is intended for persons with a severe loss of functional or psychosocial autonomy and for persons with complex health problems that cannot be solved by primary care;

(b) it includes assistance, support and lodging services and a series of mainly specialized health services based on a complex infrastructure in diagnostic and therapeutic means;

(6) “tertiary care” means health care that presents the following characteristics:

- (a) it is intended for persons having health problems that are very complex or have a low prevalence;
- (b) it is highly specialized.

3. The term “infirmière” means infirmière or infirmier wherever it appears in the French text of this Regulation.

CHAPTER II
ACTIVITIES THAT MAY BE PERFORMED

4. A specialized nurse practitioner may perform the following medical activities in the nurse's class of specialization, under the terms and conditions set out in Chapter III:

- (1) prescribe diagnostic examinations;
- (2) use diagnostic techniques that are invasive or entail risks of injury;
- (3) prescribe medications and other substances;
- (4) prescribe medical treatments;
- (5) use techniques or apply medical treatments that are invasive or entail risks of injury.

CHAPTER III
TERMS AND CONDITIONS OF PRACTICE

DIVISION I
SPECIAL TERMS AND CONDITIONS

5. A nurse practitioner specialized in neonatology must perform the activities provided for in section 4 on a neonatal clientele in a hospital centre operated by an institution at which secondary or tertiary care is provided.

The nurse must hold a training certificate in neonatal resuscitation issued by the Canadian Paediatric Society.

6. A nurse practitioner specialized in pediatric care must perform the activities provided for in section 4 on a pediatric clientele that requires secondary or tertiary care.

7. A nurse practitioner specialized in adult care must perform the activities provided for in section 4 on an adult clientele that requires secondary or tertiary care.

8. A nurse practitioner specialized in mental health must perform the activities provided for in section 4 on a clientele of all ages in the field of mental health and human relations.

9. A nurse practitioner specialized in primary care must perform the activities provided for in section 4 on a clientele of all ages that requires primary care, including where the clientele is lodged in a residential and long-term care centre or a child and youth protection centre operated by an institution.

The clientele referred to in this section must meet one of the following conditions:

- (1) the clientele presents a common health problem;
- (2) the clientele has a chronic disease;
- (3) the clientele requires the monitoring of a normal or low-risk pregnancy;
- (4) the clientele requires palliative care and is lodged in a residential and long-term care centre operated by an institution.

A nurse practitioner specialized in primary care who performs the monitoring of a normal or low-risk pregnancy does so according to the terms established with the partner physician and described in the partnership agreement.

10. Despite the second paragraph of section 9, a nurse practitioner specialized in primary care may perform, on the conditions prescribed in the first paragraph of that section, the activities provided for in section 4 for the purpose of initiating treatment of the following chronic health problems:

- (1) diabetes;
- (2) hypertension;
- (3) hypercholesterolemia;
- (4) asthma;
- (5) chronic obstructive pulmonary disease;
- (6) hyperthyroidism.

After having initiated treatment of one of those problems, the nurse practitioner specialized in primary care so informs the partner physician.

11. Despite section 9, a nurse practitioner specialized in primary care in an isolated region facility may

- (1) perform advanced care in cardiovascular life support, pediatric advanced life support, neonatal advanced life support and advanced trauma life support;
- (2) perform an emergency delivery and treat postpartum hemorrhages; and
- (3) provide treatment for intoxication.

A nurse practitioner specialized in primary care in an isolated region facility must perform the activities provided for in subparagraphs 1 to 3 of the first paragraph provided that the nurse holds an attestation issued by the Ordre des infirmières et infirmiers du Québec according to which the nurse has successfully completed a 9-week clinical training structured as follows:

- (1) 5 weeks of emergency care in a hospital centre, operated by an institution, with a high-volume emergency department;
- (2) 2 weeks of pediatric emergency care in a hospital centre, operated by an institution, with a high-volume emergency department;
- (3) 2 weeks in the delivery room in a hospital centre, operated by an institution, which offers high-volume obstetric services.

In addition, to perform an activity provided for in subparagraph 1 of the first paragraph, the nurse must hold a corresponding attestation, that is,

- (1) an attestation in Advanced Cardiovascular Life Support (ACLS) issued by the Heart and Stroke Foundation of Canada, in accordance with the standards and guidelines established jointly by the Foundation and by the International Liaison Committee on Resuscitation;
- (2) an attestation in Pediatric Advanced Life Support (PALS) issued by the Heart and Stroke Foundation of Canada, in accordance with the standards and guidelines established jointly by the Foundation and by the International Liaison Committee on Resuscitation;
- (3) an attestation in neonatal resuscitation issued by the Canadian Paediatric Society; or
- (4) an attestation in trauma nursing care (Trauma Nursing Core Course (TNCC)) issued by the National Emergency Nurses Association (NENA, Canada) or the Emergency Nurses Association (ENA, United States).

During the training period provided for in the second paragraph, the specialized nurse practitioner may, in the presence of a physician, perform the activities required to complete the training.

DIVISION II GENERAL TERMS AND CONDITIONS

12. A specialized nurse practitioner must perform the activities provided for in section 4 in partnership with a physician who practises in the fields in which the nurse practises. The partnership must be recorded in a written agreement.

The partner physician who practises in physical locations separate from those of the specialized nurse practitioner must establish collaboration mechanisms that ensure continuity of care.

A partnership may be established with more than 1 physician to cover all the activities performed by a specialized nurse practitioner. A partnership may also be established with one or more departments and with one or more clinical services of a hospital centre operated by an institution.

13. The partnership agreement must include, in particular, the following elements:

- (1) the name of the partner physicians collaborating in the agreement;
- (2) the type of clientele served by the specialized nurse practitioner or the type of clientele excluded;
- (3) the services or care offered by the specialized nurse practitioner or those excluded;
- (4) the procedure to follow for the requests for intervention of the partner physician;
- (5) the procedure to follow for the requests for a medical consultation;
- (6) the means of communication between the specialized nurse practitioner and the partner physician;
- (7) the monitoring mechanisms provided for in section 14;
- (8) the process applicable to the revision or amendment of the agreement;
- (9) the term of the agreement and its termination or renewal procedure;
- (10) the rules for the conservation or transfer of records where the partnership agreement ends.

14. The partner physician must exercise general monitoring of the quality and relevance of the medical activities.

General monitoring by the physician must include the following elements:

- (1) meetings to discuss collaboration mechanisms;
- (2) case discussions selected by the partner physician or the specialized nurse practitioner;
- (3) selection and review of records of the specialized nurse practitioner by the partner physician to evaluate the quality and relevance of the medical activities that the nurse performs;
- (4) evaluation of the prescription of medications, analyses and diagnostic examinations.

The meetings referred to in subparagraph 1 of the second paragraph must take place on a regular basis and may be conducted remotely using technological means.

15. A specialized nurse practitioner must request the intervention of the partner physician in the following cases:

- (1) the care required by the patient exceeds the nurse's skills or area of care or is intended for a clientele of another specialty;
- (2) the signs, symptoms or results of diagnostic examinations indicate that the patient's state of health has deteriorated, and the nurse is no longer able to ensure the follow-up;
- (3) the results expected from the therapy have not been obtained or the therapeutic target has not been achieved, as the case may be, and the patient does not respond to the usual treatment.

In a request for intervention made to the partner physician, the specialized nurse practitioner must state the reason for the request and specify its degree of urgency and the type of intervention desired. After the intervention of the partner physician, the nurse must perform the activities within the limits of the medical treatment plan determined by that physician.

16. Before prescribing a diagnostic examination, a specialized nurse practitioner must ensure that a result of that examination for the patient is not otherwise available.

17. A specialized nurse practitioner may not prescribe, adjust or renew cannabis for medical reasons, including its preparations and derivatives.

18. A specialized nurse practitioner must write prescriptions in accordance with the provisions applicable to individual prescriptions of the Règlement sur les normes relatives aux ordonnances faites par un médecin (chapter M-9, r. 25.1).

19. Except under special circumstances, a specialized nurse practitioner may not perform the activities provided for in section 4 in the emergency department of a hospital centre operated by an institution.

CHAPTER IV ADVISORY COMMITTEE

20. An advisory committee on the practice of specialized nurse practitioners is established.

The committee's mandate is to

(1) examine generally the quality of the clinical practice of specialized nurse practitioners in the various classes of specialization, in particular with respect to

- (a) the quality of the prescription;
- (b) the quality of interventions; and
- (c) the quality of interprofessional collaboration;

(2) recommend new clinical practices or improvements to respond to scientific developments and new conclusive data;

(3) make recommendations to the board of directors of the Collège des médecins du Québec and to the board of directors of the Ordre des infirmières et infirmiers du Québec on the terms and conditions of practice of specialized nurse practitioners and on the amendments to be made to the regulations involving specialized nurse practitioners; and

(4) analyze any other issue related to the practice of specialized nurse practitioners and formulate opinions.

21. The committee is composed of the following 11 members:

- (1) 1 representative of the College;
- (2) 1 representative of the Order;
- (3) 1 partner physician in acute care appointed by the College;
- (4) 1 partner physician in primary care appointed by the College;

(5) 1 nurse practitioner specialized in primary care appointed by the Order;

(6) 1 nurse practitioner specialized in neonatology appointed by the Order;

(7) 1 nurse practitioner specialized in adult care appointed by the Order;

(8) 1 nurse practitioner specialized in pediatric care appointed by the Order;

(9) 1 nurse practitioner specialized in mental health appointed by the Order;

(10) 1 specialized nurse practitioner appointed by the Order with teaching responsibilities in a university training program for the practice of specialized nurse practitioners;

(11) 1 representative of the Direction nationale des soins et services infirmiers of the Ministère de la Santé et des Services sociaux.

The committee may retain the services of any person deemed necessary to achieve its mandate.

22. The quorum of the committee is 6 members, including 3 specialized nurse practitioners, 1 partner physician and the representatives of both orders.

23. The members of the committee are appointed for a 3-year term and remain in office until they are re-appointed or replaced.

CHAPTER V SPECIALIZED NURSE PRACTITIONER STUDENTS AND CANDIDATES

24. A specialized nurse practitioner student may perform the activities provided for in section 4 if the student complies with the terms and conditions prescribed by Chapter III, subject to the following modifications:

(1) the student performs the activities in a training environment determined pursuant to section 25 of the Regulation respecting the committees on training of the Ordre des infirmières et infirmiers du Québec (chapter I-8, r. 11), under the supervision of a specialized nurse practitioner or a physician, who is physically present;

(2) sections 12 to 14 do not apply to a specialized nurse practitioner student;

(3) for the purposes of section 15, the following physicians are considered a partner physician of a specialized nurse practitioner student:

- (a) the physician who supervises the student;
 - (b) the partner physician of the specialized nurse practitioner who supervises the student;
- (4) the performance of those activities is required to complete the program in which the student is registered or, where appropriate, to complete a training period or training for the recognition of an equivalence.

25. A specialized nurse practitioner candidate may perform the activities provided for in section 4 if the candidate complies with the terms and conditions prescribed by Chapter III, subject to the following modifications:

- (1) the candidate performs the activities
 - (a) in a centre operated by an institution where a director of nursing care has been appointed; or
 - (b) in a medical office, medical clinic, dispensary or other place offering primary care, to the extent that the candidate is employed by an institution where a director of nursing care ensures the supervision of care provided by the specialized nurse practitioner candidate;
- (2) the candidate performs the activities under the supervision of a specialized nurse practitioner or a physician, who practises in the candidate's area of care and is physically present;
- (3) sections 12 to 14 do not apply to a specialized nurse practitioner candidate;
- (4) for the purposes of section 15, the following physicians are considered a partner physician of a specialized nurse practitioner candidate:
 - (a) the physician who supervises the candidate;
 - (b) the partner physician of the specialized nurse practitioner who supervises the candidate.

CHAPTER VI TRANSITIONAL AND FINAL

26. A nurse practitioner specialized in primary care who obtained the diploma giving access to the specialist's certificate before 1 September 2017 or who, before that date, was registered in a program of studies leading to a diploma giving access to the specialist's certificate must, to perform the activities provided for in section 4 in a residential and long-term care centre operated by an institution, undergo training recognized by the Ordre des infirmières et infirmiers du Québec.

The same applies to a nurse practitioner specialized in primary care who, before 8 March 2018, obtained an equivalence of diploma or training in accordance with the Règlement sur les normes d'équivalence de diplôme ou de la formation aux fins de la délivrance d'un certificat de spécialiste d'infirmière praticienne spécialisée (chapter I-8, r. 15.2).

The training provided for in the first paragraph, which lasts 35 hours, specifically focuses on the elderly and includes the following: advanced clinical evaluation, advanced physiopathology and advanced pharmacology. At least 10 hours focus on the elderly who present behavioural and psychological symptoms of dementia.

27. The advisory committee on the practice of specialized nurse practitioners is composed of 9 members until the Ordre des infirmières et infirmiers du Québec appoints a nurse practitioner specialized in pediatric care and a nurse practitioner specialized in mental health to the committee.

During that period, the quorum of the committee is 5 members, including 2 specialized nurse practitioners, 1 partner physician and the representatives of both orders.

28. This Regulation replaces the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians (chapter M-9, r. 13).

29. This Regulation comes into force on 8 March 2018.

SCHEDULE I (s. 2, par. 1)

1. A primary care facility situated in the Basse-Côte-Nord territory and managed by the Centre intégré de santé et de services sociaux de la Basse-Côte-Nord.

2. A primary care facility situated in the territory of Nunavik and managed by the Inuulitsivik Health Centre or the Tulattavik Health Centre of Ungava.

3. A primary care facility situated in the James Bay territory and managed by the Cree Board of Health and Social Services of James Bay.

4. A dispensary serving First Nations communities and situated in the following regions:

- (1) Basse-Côte-Nord;
- (2) Minganie;
- (3) Caniapiscau;
- (4) Haute-Mauricie.

5. A dispensary managed by Health Canada's First Nations and Inuit Health Branch and situated in the following regions:

- (1) Haute-Gatineau (Algonquins of Barrière Lake);
- (2) Témiscamingue (Long Point First Nation).

103344

Gouvernement du Québec

O.C. 85-2018, 7 February 2018

Nurses Act
(chapter I-8)

Ordre des infirmières et infirmiers du Québec — Classes of specialization for the activities referred to in section 36.1 of the Act — Amendment

Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in

WHEREAS, under paragraph *f* of section 14 of the Nurses Act (chapter I-8), the board of directors of the Ordre des infirmières et infirmiers du Québec may, by regulation, regulate, in accordance with paragraphs *e*, *h* and *i* of section 94 of the Professional Code (chapter C-26), the classes of specialization to which members of the Order must belong to engage in activities referred to in section 36.1 of the Nurses Act and, for that purpose, the board of directors may, in the regulation, establish an advisory committee;

WHEREAS, on 16 December 2016, the board of directors of the Ordre des infirmières et infirmiers du Québec made the Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in;

WHEREAS, pursuant to section 95 of the Professional Code and 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), a draft Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in was published in Part 2 of the *Gazette officielle du Québec* of 19 April 2017 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 examined the Regulation on 13 November 2017 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 and of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in

Nurses Act
(chapter I-8, s. 14, par. *f*)

1. The Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in (chapter I-8, r. 8) is amended by replacing its title by the following: “Regulation respecting the classes of specialization of specialized nurse practitioners”.

2. Section 1 is amended by inserting “of specialized nurse practitioners” in the first paragraph after “certificates”.

3. Section 2 is amended by replacing “to the specialty” in subparagraph 1.1 of the first paragraph by “to the class of specialization”.

4. Section 3 is amended

(1) by replacing “of nursing specialization for the activities referred to in section 36.1 of the Nurses Act (chapter I-8) to be engaged in” in the part preceding paragraph 1 by “of specialization of specialized nurse practitioners”;

(2) by replacing paragraphs 2 and 3 by the following:

“(2) nurse practitioner specializing in adult care;

(3) nurse practitioner specializing in pediatric care;”;

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

“(5) nurse practitioner specializing in mental health.”.

5. Section 4 is amended

(1) by inserting “d” after “classe de spécialité” in paragraph 2 of the French text;

(2) by replacing “to the speciality” in paragraph 3 by “to the class of specialization”.

6. Section 5 is amended by replacing “contemplated in Division II of the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians (chapter M-9, r. 13)” by “referred to in the Regulation respecting specialized nurse practitioners made by Order in Council 84-2018 dated 7 February 2018”.

7. Section 6 is amended by inserting “d” after “classe de spécialité” in paragraph 3 of the French text.

8. Section 7.1 is amended by inserting “d” after “classe de spécialité” in paragraph 2 of the French text.

9. Section 9 is amended by striking out “professional” in the first paragraph after “the first session of the”.

10. Section 9.3 is amended

(1) by replacing “à partir de” in the first paragraph of the French text by “à compter de”;

(2) by replacing “Order’s board of directors” in the second paragraph by “Order”;

(3) by inserting “à compter de” in the second paragraph of the French text after “ne peut excéder 4 ans”.

11. Section 10 is amended

(1) by replacing “of the specialty” by “of the class of specialization”;

(2) by replacing “in the specialty” by “in the class of specialization”.

12. Section 11 is amended by replacing “each specialty” by “all the classes of specialization or for each of them”.

13. Section 12 is amended by adding the following paragraph at the end:

“The committee may retain the services of any person whose expertise is necessary to achieve its mandate.”.

14. Section 22 is amended by replacing “30” in the first paragraph by “60”.

15. The following is inserted after section 22:

**“DIVISION III.1
CONDITIONS OF PRACTICE**

22.1. Before engaging in the professional activities referred to in section 36.1 of the Nurses Act (chapter I-8), a nurse who holds a specialist’s certificate of specialized nurse practitioner must provide to the secretary of the Order, not later than 1 April of each year and on the prescribed form, a statement that contains

(1) the nurse’s class of specialization;

(2) the name and membership number of the partner physicians with whom the nurse has signed a partnership agreement under the Regulation respecting specialized nurse practitioners made by Order in Council 84-2018 dated 7 February 2018;

(3) the name, address and telephone number of the institution, clinic, dispensary or any other place where the nurse practises under the partnership agreement; and

(4) the area of care where the nurse engages in the professional activities referred to in section 36.1 of the Nurses Act.

22.2. A nurse who holds a specialist’s certificate of specialized nurse practitioner must report to the secretary of the Order in writing any change in the information referred to in paragraphs 2 to 4 of section 22.1.

The change must be reported within 30 days of its occurrence, except if it concerns the area of care referred to in paragraph 4 of section 22.1. In the latter case, the nurse must report the new area of care at least 30 days before engaging in the professional activities referred to in section 36.1 of the Nurses Act (chapter I-8) in that area and establish that the nurse has updated the nurse's knowledge to practise in that area.

DIVISION III.2 ADVISORY COMMITTEE ON THE PRACTICE OF SPECIALIZED NURSE PRACTITIONERS

22.3. An advisory committee on the practice of specialized nurse practitioners is established.

The committee's mandate is to

(1) examine generally the quality of the clinical practice of specialized nurse practitioners in the various classes of specialization, in particular with respect to

- (a) the quality of the prescription;
- (b) the quality of interventions; and
- (c) the quality of interprofessional collaboration;

(2) recommend new clinical practices or improvements to respond to scientific developments and new conclusive data;

(3) make recommendations to the board of directors of the Collège des médecins du Québec and to the board of directors of the Ordre des infirmières et infirmiers du Québec on the terms and conditions of practice of specialized nurse practitioners and on the amendments to be made to the regulations involving specialized nurse practitioners; and

(4) analyze any issue related to the practice of specialized nurse practitioners and formulate opinions.

22.4. The committee is composed of the following 11 members:

- (1) 1 representative of the College;
- (2) 1 representative of the Order;
- (3) 1 partner physician in acute care appointed by the College;
- (4) 1 partner physician in primary care appointed by the College;

(5) 1 nurse practitioner specialized in primary care appointed by the Order;

(6) 1 nurse practitioner specialized in neonatology appointed by the Order;

(7) 1 nurse practitioner specialized in adult care appointed by the Order;

(8) 1 nurse practitioner specialized in pediatric care appointed by the Order;

(9) 1 nurse practitioner specialized in mental health appointed by the Order;

(10) 1 specialized nurse practitioner appointed by the Order with teaching responsibilities in a university training program for the practice of specialized nurse practitioners;

(11) 1 representative of the Direction nationale des soins et services infirmiers of the Ministère de la Santé et des Services sociaux.

The committee may retain the services of any person deemed necessary to achieve its mandate.

22.5. The quorum of the committee is 6 members, including 3 specialized nurse practitioners, 1 partner physician and the representatives of both orders.

22.6. The members of the committee are appointed for a 3-year term and remain in office until they are re-appointed or replaced."

16. The Regulation is amended by replacing the words "Regulation respecting the classes of specialization of the Ordre des infirmières et infirmiers du Québec for the activities referred to in section 36.1 of the Nurses Act to be engaged in" wherever they appear by "Règlement sur les normes d'équivalence de diplôme ou de la formation aux fins de la délivrance d'un certificat de spécialiste d'infirmière praticienne spécialisée".

17. The Regulation is amended by replacing the words "a specialist's certificate issued by the Order" wherever they appear by "a specialist's certificate of specialized nurse practitioners".

18. A nurse who is registered, before 8 March 2018, in a graduate-level training program leading to a diploma recognized by government regulation pursuant to the first paragraph of section 184 of the Professional Code (chapter C-26) granting access to a specialist's certificate of nurse practitioner specialized in cardiology or to a specialist's certificate of nurse practitioner specialized

in nephrology is eligible, in accordance with Division III of the Regulation respecting the classes of specialization of specialized nurse practitioners (chapter I-8, r. 8), to sit the specialty examination corresponding to the class of specialization covered by the diploma.

19. A nurse who holds, before 8 March 2018, a diploma recognized by government regulation pursuant to the first paragraph of section 184 of the Professional Code (chapter C-26) granting access to a specialist's certificate of nurse practitioner specialized in cardiology or to a specialist's certificate of nurse practitioner specialized in nephrology is eligible, in accordance with Division III of the Regulation respecting the classes of specialization of specialized nurse practitioners (chapter I-8, r. 8), to sit the specialty examination corresponding to the class of specialization covered by the nurse's diploma.

Where a nurse, admitted to the specialty examination under the first paragraph passes the examination, the Order issues the nurse, if the nurse also meets the other conditions prescribed by the regulation, a specialist's certificate of nurse practitioner specialized in adult care in the place and stead of a specialist's certificate of nurse practitioner specialized in cardiology or a specialist's certificate of nurse practitioner specialized in nephrology.

20. Specialist's certificates of nurse practitioners specialized in cardiology and in nephrology issued by the Order before 8 March 2018 become specialist's certificates of nurse practitioners specialized in adult care.

21. A nurse who, on 8 March 2018, holds a specialist's certificate of specialized nurse practitioners must, within 30 days after that date, provide the secretary of the Order with the statement provided for in section 22.1.

22. A nurse who obtained the diploma giving access to the specialist's certificate in primary care before 1 September 2017 or who, before that date, was registered in a graduate-level training program leading to a diploma giving access to the specialist's certificate of nurse practitioner specialized in primary care must, to perform the activities referred to in section 36.1 of the Nurses Act in a residential and long-term care centre, undergo training recognized by the Order.

The same applies to a nurse practitioner specialized in primary care who obtained the specialist's certificate before 8 March 2018 by recognition of an equivalence of diploma or training in accordance with the Règlement sur les normes d'équivalence de diplôme ou de la formation aux fins de la délivrance d'un certificat de spécialiste d'infirmière praticienne spécialisée (chapter I-8, r. 15.2).

The training, which lasts 35 hours, specifically focuses on the elderly and includes the following: advanced clinical evaluation, advanced physiopathology and advanced pharmacology. At least 10 hours focus on the elderly who present behavioural and psychological symptoms of dementia.

23. The advisory committee on the practice of specialized nurse practitioners is composed of 9 members until the Order appoints to the committee a nurse practitioner specialized in pediatric care and a nurse practitioner specialized in mental health.

During that period, the quorum of the committee is 5 members, including 2 specialized nurse practitioners, 1 partner physician and the representatives of both orders.

24. This Regulation comes into force on 8 March 2018.

103345

Gouvernement du Québec

O.C. 87-2018, 7 February 2018

Building Act
(chapter B-1.1)

Construction Code — Regulation — Modification

Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act

WHEREAS, under section 173 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a building code containing building standards for petroleum equipment installations or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, a code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of facilities, installations or construction work;

WHEREAS, under paragraph 2.1 of section 185 of the Act, the Board may, by regulation, determine the criteria allowing the Board to recognize a person for the purposes of section 35 of the Act, the conditions and requirements that such a person must meet and the grounds on which the Board may revoke its recognition;

WHEREAS, under paragraph 6.2 of section 185 of the Act, the Board may, by regulation, prohibit the sale, lease or exhibiting of materials or accessories which are not certified or approved for purposes of use in construction work on, in particular, petroleum equipment installations by a recognized person or body the Board designates;

WHEREAS, under paragraph 6.3 of section 185 of the Act, the Board may, by regulation, prohibit the sale, lease or exhibition of apparatus intended to be used in a petroleum equipment installation, where the apparatus is not certified or approved by a recognized person or body the Board designates;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt any other related or supplementary provision it considered necessary to give effect to the provisions of section that section and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the contents of the Construction Code may vary according to the classes of persons, contractors or owner-builders, and according to the classes of facilities or installations to which the code applies;

WHEREAS the Board adopted the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act on 8 March 2016;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 19 April 2017 with a notice that it could be approved by the Government with or without amendment on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act

Building Act
(chapter B-1.1, ss. 173, 176, 176.1, 178, 185, pars. 0.1, 2.1, 6.2, 6.3 and 38, and s. 192)

1. The Construction Code (chapter B-1.1, r. 2) is amended by replacing the heading “INTERPRETATION” of Division I of Chapter VIII Petroleum Equipment Installation by “DEFINITIONS”.

2. Section 8.01 is amended

(1) by adding the following definition in alphabetical order:

““pipeline” means an intra-provincial structure in which a petroleum product is transported, including the pipes, the components and the other related apparatus that are connected to the pipes as well as the isolation valves used in the stations and other installations marking the beginning and end of that infrastructure. This definition excludes the tank and piping connected to the tank and the piping directly connected to a marine wharf; (*canalisation*)”;

(2) by replacing the definition of “high-risk petroleum equipment” by the following:

““high-risk” petroleum equipment” means petroleum equipment having one of the following characteristics:

(1) petroleum equipment, one or more components of which is partially or completely buried, having a capacity of

(a) 500 or more litres, when it is installed to store motor fuel; or

(b) 4,000 or more litres, when it is installed to store heating fuel oil, except petroleum equipment of less than 10,000 litres used for heating a single-family dwelling;

(2) aboveground petroleum equipment that has a capacity of 2,500 or more litres, if it is installed to store Class 1 fuel;

(3) petroleum equipment that has a capacity of 10,000 or more litres, if it is installed to store a petroleum product;

(4) petroleum equipment installed for the purposes of trade in petroleum products;

(5) petroleum equipment that is a pipeline.

For the purposes of subparagraph 1, 2 or 3, the capacity of petroleum equipment that is joined, connected to or used with other petroleum equipment, both intended for a common purpose, is determined by combining their respective capacities; (*équipement pétrolier à risque élevé*);

(3) by striking out the following definitions: “aviation fuel”, “aviation turbine fuel”, “biodiesel fuel”, “diesel fuel”, “fuel oil”, “gasoline” and “motor fuel”.

3. Section 8.02 is replaced by the following:

“**8.02.** For the purposes of this Chapter,

(1) the words and expressions used in the definition of petroleum product provided for in the Building Act (chapter B-1.1) have the meaning assigned to them by the Petroleum Products Regulation (chapter P-30.01, r. 2). In addition, the term “gasoline” includes the blendstock for oxygenate blending and the term “fuel” includes diesel fuel intended to serve as fuel in locomotive and ship engines;

(2) the definition of petroleum product provided for in the Building Act (chapter B-1.1) includes any other liquid mixture of hydrocarbons referred to in the Petroleum Products Regulation (chapter P-30.01, r. 2);

(3) petroleum products comprise the following classes:

(a) Class 1: liquid having a flash point below 37.8 °C determined according to the method provided by ASTM D56, Standard Test Method for Flash Point by Tag Closed Cup Tester, published by the American Society for Testing and Materials International;

(b) Class 2: liquid having a flash point equal to or above 37.8 °C but below 60 °C determined according to the method provided by ASTM D93, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, published by the American Society for Testing and Materials International;

(c) Class 3: liquid having a flash point equal to or above 60 °C determined according to the method provided by ASTM D93, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, published by the American Society for Testing and Materials International.”

4. Division II of Chapter VIII Petroleum Equipment Installation is replaced by the following:

“DIVISION II SCOPE

8.03. This Chapter applies to construction work on a petroleum equipment installation, including its vicinity.

It does not apply to equipment or apparatus intended to use a petroleum product, such as an internal combustion engine or fuel burning equipment”.

5. The heading “REFERENCED DOCUMENTS” of Division III of Chapter VIII Petroleum Equipment Installation is replaced by “REGULATIONS AND TECHNICAL STANDARDS APPLICABLE DEPENDING ON THE TYPE OF WORK”.

6. Section 8.04 is replaced by the following:

“**8.04.** In this Chapter, a reference to a regulation, or a technical standard developed by a body other than the Board, refers to the most recent regulation, or the most recent edition of the technical standard and includes any amendments to that edition.

However, the amendments and editions of the technical standards published after 7 April 2018 apply to petroleum equipment only from the last day of the sixth month following the publication of the French and English versions of those texts. Where those versions are not published at the same time, the period runs from the date of publication of the last version. If the amendments or editions are in one language, the period runs from their publication.”

7. The following is added after section 8.05:

“**8.05.01.** Construction work on a petroleum equipment installation must be carried out in accordance with this Chapter, except for

(1) construction work of a petroleum equipment installation covered by CSA Standard B139, Installation code for oil-burning equipment, published by the CSA Group, which must be carried out in accordance with that standard, and with sections 8.08 to 8.22 of this Chapter;

(2) construction work on a petroleum equipment installation located inside a building and not referred to in subparagraph 1, which must be carried out in accordance with Part 4 of Division B of the NFCC, National Fire Code of Canada, published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, and with sections 8.08 to 8.22 and with the applicable provisions of Divisions VIII and IX of this Chapter;

(3) construction work of a pipeline, which must be carried out in accordance with CAN/CSA Standard Z662, Oil and Gas Pipeline Systems, published by the CSA Group, and with sections 8.08 to 8.22 of this Chapter.

Sections 8.01 to 8.05 and 8.218 of this Chapter apply to the work referred to in subparagraphs 1 to 3 of the first paragraph.”

8. Section 8.06 is replaced by the following:

“**8.06.** The technical standards developed by another agency and referenced in this Chapter are those indicated in the table below.

TABLE 1
REFERENCED TECHNICAL STANDARDS DEVELOPED BY ANOTHER AGENCY

Designation	Title	Reference
ACC - Association canadienne des carburants / Canadian Fuels Association		
CFA	Colour-Symbol System to Mark Equipment and Vehicles for Product Identification	8.106, 1st paragraph 8.194
API - American Petroleum Institute		
API 5L	Specification for Line Pipe	8.25, 1st paragraph, subpar. 1
API 650	Welded Tanks for Oil Storage	8.24, subpar. 5
API 1104	Welding of Pipelines and Related Facilities	8.70
API 1542	Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment	8.188
API 2000	Venting Atmospheric and Low-Pressure Storage Tanks	8.102
ASME - American Society of Mechanical Engineers		
ASME B16.5	Pipe Flanges and Flanged Fittings: NPS ½ through NPS 24 Metric/Inch Standard	8.107, 2nd paragraph
ASME B31.3	Process Piping	8.25, 2nd paragraph
ASTM - American Society for Testing and Materials International		
ASTM A53/A53M	Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless	8.25, 1st paragraph, subpar. 2
ASTM A193/A193M	Standard Specification for Alloy-Steel and Stainless Steel Bolting for High Temperature or High Pressure Service and Other Special Purpose Applications	8.109, 1st paragraph
ASTM D56	Standard Test Method for Flash Point by Tag Closed Cup Tester	8.02, subpar. 3 a)
ASTM D93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester	8.02, subpar. 3 b) and c)
BNQ - Bureau de normalisation du Québec		
CAN/BNQ 2501-255	Sols - Détermination de la relation teneur en eau - masse volumique sèche – Essai avec énergie de compactage modifiée (2 700 kN.m ³)	8.33, 1st paragraph, subpars. 2 and 3
NRCC - Canadian Commission on Building and Fire Codes (National Research Council of Canada)		
NFCC	National Fire Code - Canada	8.05.01, subpar. 2 8.12, 1st paragraph, subpar. 2
Groupe CSA / CSA Group		
CSA B139 Series	Installation code for oil-burning equipment	8.05.01, subpar. 1 8.12, 1st paragraph, subpar. 1
CSA B346	Power-Operated Dispensing Devices for Flammable Liquids	8.141
CSA Z245.1	Steel Pipe	8.25, 1st paragraph, subpar. 3

Designation	Title	Reference
CAN/CSA-Z662	Oil and Gas Pipeline Systems	8.05.01, subpar. 3 8.12, 1st paragraph, subpar. 3 8.103
EPA - Environmental Protection Agency		
EPA/530/UST-90/004	Standard Test Procedures for Evaluating Leak Detection Methods: Volumetric Tank Tightness Testing Methods	8.130, 2nd paragraph
EPA/530/UST-90/007	Standard Test Procedures for Evaluating Leak Detection Methods: Statistical Inventory Reconciliation Methods	8.130, 2nd paragraph
NACE International - National Association of Corrosion Engineers		
NACE SP0169	Control of External Corrosion on Underground or Submerged Metallic Piping Systems	8.42, subpar. 2 8.130, 1st paragraph
NACE SP0285	Corrosion Control of Underground Storage Tank Systems by Cathodic Protection	8.42, subpar. 2 8.130, 1st paragraph
NFPA - National Fire Protection Association		
NFPA 30	Flammable and Combustible Liquids Code	8.65, subpar. 4
SAE International - Society of Automotive Engineers		
SAE AS 1852D	Nozzles and Ports - Gravity Fueling Interface Standard for Civil Aircraft	8.181
ULC - Laboratoires des assureurs du Canada / Underwriters' Laboratories of Canada		
CAN/ULC-S601	Standard for Shop Fabricated Steel Aboveground Tanks for Flammable and Combustible Liquids	8.24, subpar. 1 8.54, subpar.2
CAN/ULC-S603	Standard for Steel Underground Tanks for Flammable and Combustible Liquids	8.23, 1st paragraph, subpar. 1
CAN/ULC-S603.1	External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids	8.23, 1st paragraph, subpar. 2 8.35, 1st paragraph, subpar. 2 b) 8.42, subpar. 1 8.88, 1st paragraph
CAN/ULC-S612	Standard for Hose and Hose Assemblies for Flammable and Combustible Liquids	8.155
CAN/ULC-S615	Standard for Fibre Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids	8.23, 1st paragraph, subpar. 3
CAN/ULC-S620	Standard for Hose Nozzle Valves for Flammable and Combustible Liquids	8.154
CAN/ULC-S642	Standard for Compounds and Tapes for Threaded Pipe Joints	8.69
CAN/ULC-S651	Standard for Emergency Valves for Flammable and Combustible Liquids	8.115 8.149, 1st paragraph
CAN/ULC-S653	Standard for Aboveground Horizontal Steel Contained Tank Assemblies for Flammable and Combustible Liquids	8.24, subpar. 2 8.143

Designation	Title	Reference
CAN/ULC-S655	Standard for Aboveground Protected Tank Assemblies for Flammable and Combustible Liquids	8.24, subpar. 3
CAN/ULC-S660	Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids	8.27
CAN/ULC-S661	Standard for Overfill Protection Devices for Flammable and Combustible Liquid Storage Tanks	8.61, subpar. 1 a) 8.125, subpar. 1 8.127
CAN/ULC-S663	Standard for Spill Containment Devices for Flammable and Combustible Liquid Aboveground Storage Tank	8.61, subpar. 1 a)
CAN/ULC-S664	Standard for Containment Sumps, Sump Fittings, and Accessories for Flammable and Combustible Liquids	8.127 8.143
CAN/ULC-S668	Standard for Liners Used for Secondary Containment of Aboveground Flammable and Combustible Liquid Tanks	8.62, subpar. 5 a)
CAN/ULC-S675.1	Standard for Volumetric Leak Detection Devices for Underground and Aboveground Storage Tanks for Flammable and Combustible Liquids	8.29, subpar. 2
CAN/ULC-S675.2	Standard for Nonvolumetric Precision Leak Detection Devices for Underground and Aboveground Storage Tanks and Piping for Flammable and Combustible Liquids	8.28, 3rd paragraph 8.29, subpar. 2
CAN/ULC-S676	Standard for Refurbishing of Storage Tanks for Flammable and Combustible Liquids	8.44 8.67, subpar. 1
CAN/ULC-S677	Standard for Fire Tested Aboveground Tank Assemblies for Flammable and Combustible Liquids	8.24, subpar. 4
ULC/ORD-C107.12	Line Leak Detection Devices for Flammable Liquid Piping	8.28, 3rd paragraph
ULC/ORD-C842	Guide for the Investigation of Valves for Flammable and Combustible Liquids	8.115

”.

9. Section 8.07 is struck out.

10. The first paragraph of section 8.08 is replaced by the following:

“Petroleum equipment used in a petroleum equipment installation must, when required by a provision of this Chapter, be approved for the use for which it is intended.

A tank for which subparagraph 1 or 2 of the first paragraph of section 8.05.01 applies must also be approved for the use for which it is intended.”.

11. Section 8.09 is replaced by the following:

“**8.09.** All petroleum equipment that has been certified by a certification agency accredited by the Standards Council of Canada in the field of petroleum equipment is considered to be approved.”.

12. Section 8.11 is replaced by the following:

“**8.11.** For the purposes of this Chapter, “certification” or “certified” means recognition by one of the certification agencies accredited by the Standards Council of Canada in the field of petroleum equipment, by means of a label affixed on certified equipment, attesting that the equipment complies with the construction and testing requirements in the standards published by the agency.”.

13. Section 8.12 is amended

(1) by striking out “in this Chapter” in the part preceding subparagraph 1 of the first paragraph;

(2) by replacing subparagraphs 1 to 3 of the first paragraph by the following:

“(1) in the case of high-risk petroleum equipment covered by CSA Standard B139, Installation code for oil-burning equipment, published by the CSA Group, the work has been carried out in accordance with the requirements of that standard;

(2) in the case of high-risk petroleum equipment located inside a building and not covered by subparagraph 1, the work has been carried out in accordance with the requirements of Part 4 of Division B of the NFC, National Fire Code of Canada, published by the Canadian Commission on Building and Fire Codes of the National Research Council Canada and the applicable provisions of Division VIII and IX of this Chapter;

(3) in the case of a pipeline, the work has been carried out in accordance with the requirements of CAN/CSA Standard Z662, Oil and Pipeline Systems, published by the CSA Group;

(4) in the case of high-risk petroleum equipment that is not referred to in subparagraphs 1 to 3, the work has been carried out in accordance with sections 8.23, 8.24, 8.26 to 8.28, paragraphs 1 to 3 of section 8.29, section 8.30, sections 8.31 and 8.32, only with regard to the clearance between the top of the tank and ground level, sections 8.42 to 8.44, paragraphs 1 and 2 of section 8.45, section 8.46, except subparagraphs 1 to 3 of the second paragraph, sections 8.48 to 8.50, paragraph 1 of section 8.51, sections 8.53, 8.55 to 8.57, 8.60 to 8.65, except paragraph 4 of that section, paragraph 2 of section 8.66, sections 8.69, 8.72, 8.75, 8.78 to 8.80 and section 8.83, only with regard to the clearance between the piping and ground level, sections 8.85, 8.88 to 8.95, the third paragraph of section 8.96, sections 8.97, 8.98, 8.100, 8.102, 8.108, subparagraph 1 of the first paragraph of section 8.110, the third paragraph of section 8.112, sections 8.116, 8.124, 8.125, 8.127, 8.128, 8.138, 8.141 to 8.147, 8.149 to 8.154, 8.156, 8.158 to 8.160, the first paragraph of section 8.162, section 8.164, the first and second paragraphs of section 8.166, sections 8.168, 8.170 to 8.172, 8.174, 8.175, the second paragraph of section 8.177, section 8.178, except paragraph 5 of that section, sections 8.179, 8.180, 8.182, 8.185, 8.186, 8.195 and 8.197 to 8.199, section 8.200, with regard to the manual valve, sections 8.201, 8.203 to 8.205, 8.207 to 8.209, 8.211 to 8.213 and 8.215 to 8.217;

(5) the tests and verifications that are provided, as the case may be, in the standards referred to in subparagraphs 1 to 3 or the sections listed in subparagraph 4, for such work, have been performed and the results are satisfactory;

(6) the equipment covered by the certificate is free of leaks and does not represent a danger to the public.”;

(3) by replacing the second paragraph by the following:

“Should the recognized person refuse to file the required certificate of conformity, the recognized person informs the contractor or owner-builder and the Board, within 30 days, of the irregularities observe and of the reasons for refusal.”;

(4) by replacing “, temporary or accreditation permit issued under the Act respecting petroleum products and equipment (chapter P-29.1)” in the third paragraph by “or the temporary permit issued under the Engineers Act (chapter I-9)”.

14. Section 8.13 is amended by striking out the last paragraph.

15. Section 8.20 is replaced by the following:

“**8.20.** In the presence of petroleum equipment, electrical service equipment, a pump or any other electrical equipment must meet the requirements regarding hazardous locations in Chapter V Electricity of the Construction Code.”.

16. Section 8.21 is struck out.

17. Section 8.23 is replaced by the following:

“**8.23.** A contractor or owner-builder may not install an underground tank unless it has been approved in accordance with one of the following standards:

(1) CAN/ULC-S603, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada;

(2) CAN/ULC-S603.1, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada;

(3) CAN/ULC-S615, Standard for Fibre Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada.

The installation must also be carried out in compliance with the standard under which the tank has been approved.”.

18. Section 8.24 is replaced by the following:

“**8.24.** A contractor or owner-builder may not install an aboveground tank unless it has been approved in accordance with one of the following standards:

(1) CAN/ULC-S601, Standard for Shop Fabricated Steel Aboveground Tanks for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada;

(2) CAN/ULC-S653, Standard for Aboveground Horizontal Steel Contained Tank Assemblies for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada;

(3) CAN/ULC-S655, Standard for Aboveground Protected Tank Assemblies for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(4) CAN/ULC-S677, Standard for Fire Tested Aboveground Tank Assemblies for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada;

(5) API 650, Welded Tanks for Oil Storage, published by the American Petroleum Institute.”.

19. Section 8.25 is replaced by the following:

“**8.25.** A contractor or owner-builder may install steel piping only if it meets the manufacturing requirements of one of the following standards:

(1) API 5L, Specification for Line Pipe, published by the American Petroleum Institute;

(2) ASTM A53/A53M, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, published by the American Society for Testing and Materials International;

(3) CSA Z245.1, Steel Pipe, published by the CSA Group.

In addition, if service pressure exceeds 875 kPa, piping and fittings must meet the requirements of ASME Standard B31.3, Process Piping, published by the American Society of Mechanical Engineers.”.

20. Section 8.26 is replaced by the following:

“**8.26.** A contractor or owner-builder may not install copper piping.”.

21. Section 8.27 is amended by replacing “ULC/ORD Standard C971 Nonmetallic Underground Piping for Flammable and Combustible Liquids” by “CAN/ULC-S660, Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids”.

22. Section 8.28 is replaced by the following:

“**8.28.** A contractor or owner-builder may install double-walled piping only if the piping meets the requirements of

(1) section 8.25, if it is steel; or

(2) section 8.27, if it is nonmetallic.

Such piping must be installed inside other piping that meets the requirements of section 8.25 or 8.27, as the case may be.

It must also have an automatic leak detection system with a visual and audible alarm that meets the requirements of ULC/ORD Standard C107.12, Line Leak Detection Devices for Flammable Liquid Piping, or CAN/ULC-S675.2, Standard for Nonvolumetric Precision Leak Detection Devices for Underground and Aboveground Storage Tanks and Piping for Flammable and Combustible Liquids, published by the Underwriters' Laboratories of Canada.”.

23. Section 8.29 is amended by replacing “ULC/ORD Standard C58.12 Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks or ULC/ORD Standard C58.14 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks” in paragraph 2 by “CAN/ULC-S675.1, Standard for Volumetric Leak Detection Devices for Underground and Aboveground Storage Tanks for Flammable and Combustible Liquids or CAN/ULC-S675.2, Standard for Nonvolumetric Precision Leak Detection Devices for Underground and Aboveground Storage Tanks and Piping for Flammable and Combustible Liquids”.

24. Section 8.33 is amended by replacing “Determination of the Water-Density Relation” in subparagraphs 2 and 3 of the first paragraph by “Determination of the Water Content-Dry Density Relation”.

25. Section 8.35 is amended by replacing “ULC/ORD Standard C58.10 Jacketed Steel Underground Tanks for Flammable and Combustible Liquids” in subparagraph b of subparagraph 2 of the first paragraph by “CAN/ULC Standard S603.1, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids”.

26. Section 8.42 is replaced by the following:

“**8.42.** A contractor or owner-builder may not carry out construction work on a steel underground tank unless it is protected against corrosion in accordance with one of the methods in the following standards:

(1) CAN/ULC S603.1, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids, published by Underwriters' Laboratories of Canada; or

(2) NACE SP0169, Control of External Corrosion on Underground or Submerged Metallic Piping Systems, or NACE SP0285, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, published by NACE International, if the petroleum equipment installation is protected by an induced current system.”.

27. Section 8.44 is replaced by the following:

“**8.44.** A contractor or owner-builder may neither install an underground tank that has been removed from the ground, nor refurbish, repair or alter it, unless it meets the requirement of CAN/ULC-S676, Standard for Refurbishing of Storage Tanks for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada.”.

28. Section 8.48 is amended by replacing Table 2 by the following:

“**TABLE 2**
SITING OF ABOVEGROUND TANKS

Tank capacity (litres)	Product	Minimum distance, in metres, measured horizontally, between any point on outside tank shell and		
		Dike centre line when required by sections 8.60 and 8.61	Closest building	Property line
2,000 to 5,000	Class 1	D	D	D
	Classes 2 and 3	0.5	0.5	1.5
5,001 to 47,000	Class 1	D	D	D
	Classes 2 and 3*	1.5	1.5	1.5
	Class 3 — flash point above 93.3 °C	0.5	0.5	1.5
47,001 to 200,000	Class 1	D	D	D
	Classes 2 and 3*	D	D	D
	Class 3 — flash point above 93.3 °C	1	1	D
200,001 to 400,000	All	D	5	5
400,001 to 2,000,000	All	D	9	9
2,000,001 to 4,000,000	All	D	12	12
More than 4,000,000	All	D	15	15

D: The greater distance between 3 m and one-half tank height. Tank height is measured from the bottom of the diked areas.

* Class 3 products are products with a flash point not above 93.3 °C.”.

29. Section 8.54 is amended by replacing “ULC Standard S630 Shop Fabricated Steel Aboveground Vertical Tanks for Flammable and Combustible Liquids” in paragraph 2 by “CAN/ULC-S601, Standard for Shop Fabricated Steel Aboveground Tanks for Flammable and Combustible Liquids”.

30. Section 8.61 is replaced by the following:

“**8.61.** The dike referred to in section 8.60 is not required for

(1) a tank with a capacity of 50,000 litres or less that meets the following requirements:

(a) it has an overflow protection device that meets the requirements of CAN/ULC-S661, Standard for Overflow Protection Devices for Flammable and Combustible Liquid Storage Tanks, published by Underwriters’ Laboratories of Canada, and a containment device with a capacity of at least 15 litres that meets the requirements of CAN/ULC-S663, Standard for Spill Containment Devices for Flammable and Combustible Liquid Aboveground Storage Tank, published by Underwriters’ Laboratories of Canada;

(b) it meets one of the standards referred to in paragraphs 2 to 4 of section 8.24 or, in the case of a double-walled tank, the standard referred to in paragraph 1 of that section;

(2) a tank used to store Type No. 4, No. 5 or No. 6 heating fuel oil if it has a system capable, in the event of leakage, of containing or directing the product to a safe location.”.

31. Section 8.62 is amended by replacing “ULC/ORD Standard C58.9 Secondary Containment Liners for Underground and Aboveground Flammable and Combustible Liquids Tanks” in subparagraph a of paragraph 5 by “CAN/ULC-S668, Standard for Liners Used for Secondary Containment of Aboveground Flammable and Combustible Liquid Tanks”.

32. Section 8.65 is amended by replacing “paragraph f of section 4.3.2.3.2” in paragraph 4 by “section 22.11.2.6”.

33. Section 8.67 is amended

(1) by replacing “manufactured and approved in accordance with the provisions of section 8.24, and the plates identifying the manufacturer and the certification agency referred to in section 8.09 must be affixed to the tank and be legible” in paragraph 1 by “approved in accordance with CAN/ULC-S676, Standard for Refurbishing of Storage Tanks for Flammable and Combustible Liquids, published by Underwriters’ Laboratories of Canada”;

(2) by striking out paragraph 2.

34. Section 8.69 is amended by replacing “Compounds and Tapes for Threaded Pipe Joints” by “Standard for Compounds and Tapes for Threaded Pipe Joints”.

35. Section 8.71 is amended by replacing “gasoline” wherever that term appears by “automotive gasoline”.

36. Section 8.84 is amended by striking out “despite the foregoing, the suction piping that is to contain fuel oil or motor fuel to supply a generator engine and that is referred to in CSA Standard B139 Installation Code for Oil Burning Equipment, published by the Canadian Standards Association, may be vacuum tested under at least 68 kPa” in subparagraph c of paragraph 1.

37. Section 8.102 is amended by replacing “API Standard 2000 Venting Atmospheric and Low Pressure Storage Tanks: Nonrefrigerated and Refrigerated” by “API Standard 2000, Venting Atmospheric and Low-Pressure Storage Tanks”.

38. Section 8.103 is amended by replacing “CAN/CSA Standard Z662 Oil and Gas Pipeline Systems, published by the Canadian Standards Association” by “CAN/CSA Standard Z662, Oil and Gas Pipeline Systems, published by the CSA Group”.

39. Section 8.106 is amended by replacing “Canadian Petroleum Products Institute” in the first paragraph by “Canadian Fuels Association”.

40. Section 8.107 is amended by adding “: NPS ½ through NPS 24 Metric/Inch Standard” after “Pipe Flanges and Flanged Fittings” in the second paragraph.

41. Section 8.109 is amended

(1) by inserting “aboveground” in the first paragraph before “piping”;

(2) by replacing “ASTM Standard A193/A193M, Alloy-Steel and Stainless Steel Bolting Materials for High Temperature or High Pressure Service and Other Purpose Applications, published by the American Society for Testing and Materials” in the first paragraph by “ASTM A193/A193M, Standard Specification for Alloy-Steel and Stainless Steel Bolting for High Temperature or High Pressure Service and Other Special Purpose Applications, published by the American Society for Testing and Materials International”.

42. The Code is amended by striking out section 8.111.

43. The Code is amended by striking out section 8.114.

44. Section 8.115 is amended by replacing “ULC-S651 Emergency Valves for Flammable and Combustible Liquids” by “CAN/ULC-S651, Standard for Emergency Valves for Flammable and Combustible Liquids”.

45. Section 8.124 is amended by striking out paragraph 2.

46. Section 8.125 is amended by replacing “ULC/ORD Standard C58.15 Overfill Protection Devices for Flammable Liquid Storage Tanks” in paragraph 1 by “CAN/ULC-S661, Standard for Overfill Protection Devices for Flammable and Combustible Liquid Storage Tanks”.

47. Section 8.127 is amended

(1) by striking out “, except a tank that is to supply a generator engine”;

(2) by replacing “ULC/ORD Standard C58.15 Overfill Protection Devices for Flammable Liquid Storage Tanks” by “CAN/ULC-S661, Standard for Overfill Protection Devices for Flammable and Combustible Liquid Storage Tanks”;

(3) by replacing “ULC/ORD-C58.19, “Spill Containment Devices for Underground Flammable Liquid Storage Tanks” by “CAN/ULC-S664, Standard for Containment Sumps, Sump Fittings, and Accessories for Flammable and Combustible Liquids.”.

48. Section 8.129 is amended by striking out “, except a fill pipe installed on a tank connected to a generator engine that is to use diesel fuel or biodiesel fuel.”.

49. Section 8.130 is amended by replacing “RP0169-2002” in the first paragraph by “NACE SP0169” and by replacing “RP0285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection” by “NACE SP0285, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection”.

50. Section 8.141 is amended by replacing “CSA Standard B346 Power-Operated Dispensing Devices for Flammable Liquids, published by the Canadian Standards Association” by “CSA Standard B346, Power-Operated Dispensing Devices for Flammable Liquids, published by the CSA Group”.

51. Section 8.143 is amended by replacing “ULC/ORD-C107.21, Under-Dispenser Sumps, or ULC Standard S653, Standard for Aboveground Steel Contained Tank Assemblies for Flammable and Combustible Liquids” by “CAN/ULC-S664, Standard for Containment Sumps, Sump Fittings, and Accessories for Flammable and Combustible Liquids, or CAN/ULC-S653, Standard for Aboveground Horizontal Steel Contained Tank Assemblies for Flammable and Combustible Liquids”.

52. Section 8.149 is amended by replacing “ULC Standard S651 Emergency Valves for Flammable and Combustible Liquids” in the first paragraph by “CAN/ULC-S651, Standard for Emergency Valves for Flammable and Combustible Liquids”.

53. Section 8.155 is amended by replacing “CAN/ULC Standard S612 Hose for Flammable and Combustible Liquids” by “CAN/ULC-S612, Standard for Hose and Hose Assemblies for Flammable and Combustible Liquids”.

54. Section 8.172 is amended by replacing “4.5 m from the average annual high-water mark” by “10 m from the high-water mark”.

55. Section 8.194 is amended by replacing “Canadian Petroleum Products Institute” by “Canadian Fuels Association”.

56. The Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) is amended by striking out section 3.3.6.

57. This Regulation comes into force on the forty-fifth day following the date of its publication in the *Gazette officielle du Québec*.

The former provisions of Chapter VIII Petroleum Equipment Installation of the Construction Code, as they read on 6 April 2018 may apply to construction work on a petroleum equipment installation that begins before 7 July 2018.

103347

Gouvernement du Québec

O.C. 88-2018, 7 February 2018

Building Act
(chapter B-1.1)

Safety Code
— **Amendment**

Regulation to amend the Safety Code

WHEREAS, under section 175 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a safety code containing safety standards for petroleum equipment installations and their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, a code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of facilities, installations or construction work;

WHEREAS, under paragraph 2.1 of section 185 of the Act, the Board may, by regulation, determine the criteria allowing the Board to recognize a person for the purposes of section 35 of the Act, the conditions and requirements that such a person must meet and the grounds on which the Board may revoke its recognition;

WHEREAS, under paragraph 5 of section 185 of the Act, the Board may, by regulation, determine the cases in which the owner of a petroleum equipment installation must furnish a certificate of conformity with the Safety Code (chapter B-1.1, r. 3), and the form and content of such a certificate;

WHEREAS, under paragraph 5.0.1 of section 185 of the Act, the Board may, by regulation, determine the cases in which the owner of a petroleum equipment installation, in particular, who has implemented a quality control

program may be exempted from furnishing a certificate of conformity, and, if warranted, determine conditions for the approval of such a program by the Board or a person or body recognized by the Board;

WHEREAS, under paragraph 5.1 of section 185 of the Act, the Board may, by regulation, establish the conditions and the manner according to which a permit referred to in particular in section 35.2 is issued, amended or renewed, its period of validity and, if warranted, the cases in which obtaining such a permit is tied to the implementation of a quality control program, and the conditions and procedure for the approval of such a program by the Board or a person or body recognized by the Board;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt any other related or supplementary provision it considered necessary to give effect to the provisions of that section and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the contents of the Safety Code may vary according to the classes of owners of petroleum equipment installations, owners or operators of petroleum product distribution undertakings and classes of facilities or installations to which the code applies;

WHEREAS the Board adopted the Regulation to amend the Safety Code on 8 March 2016;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 19 April 2017 with a notice that it could be approved by the Government with or without amendment on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Safety Code, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Safety Code

Building Act

(chapter B-1.1, ss. 175, 176, 176.1, 178, 185, pars. 0.1, 2.1, 5, 5.0.1, 5.1 and 38, and s. 192)

1. The Safety Code (chapter B-1.1, r. 3) is amended by replacing the heading “INTERPRETATION” of Division I of Chapter VI Petroleum Equipment Installation by “DEFINITIONS”.

2. Section 109 of the Code is amended in the second paragraph

(1) by inserting ““pipeline,”” after ““petroleum equipment,””;

(2) by striking out ““aviation fuel,””, ““biodiesel fuel,””, ““diesel fuel,””, ““fuel oil,”” and ““motor fuel,””.

3. Section 110 is amended by replacing “petroleum products include the classes and types” by “petroleum products and their classes are those”.

4. Division II of Chapter VI Petroleum Equipment Installation is replaced by the following:

“DIVISION II SCOPE

111. This Chapter applies to a petroleum equipment installation, including its vicinity.

This Chapter does not apply to

(1) internal combustion engines, fuel burning appliance or any other equipment or device intended to use a petroleum product;

(2) an installation intended to use a petroleum product to provide the motive power of a vehicle or of any other mobile device or equipment.”.

5. The heading “REFERENCED DOCUMENTS” of Division III of Chapter VI Petroleum Equipment Installation is replaced by “REGULATIONS AND TECHNICAL STANDARDS APPLICABLE DEPENDING ON THE PETROLEUM EQUIPMENT INSTALLATION”.

6. Section 112 is replaced by the following:

“**112.** In this Chapter, a reference to a regulation other than the Construction Code (chapter B-1.1, r. 2), or a technical standard developed by a body other than the Board, refers to the text applicable at the time of the

construction or alteration of the petroleum equipment installation. The foregoing also applies when a section of this Chapter refers to a section of the Construction Code which refers to a technical standard developed by a body other than the Board.

Subject to the first paragraph, a reference in this Chapter to the Construction Code (chapter B-1.1, r. 2) refers, in the case of a petroleum equipment installation built or altered before 1 April 2007, to the provisions of the Construction Code as they read on 1 April 2007 under Order in Council 220-2007 dated 21 February 2007, and in the case of a petroleum equipment installation built or altered on 1 April 2007 or after that date, to the text applicable at the time of the construction or alteration of the petroleum equipment installation.

Despite the first and second paragraphs, the most recent text, including any amendment, must be applied where reference is made to one of the following standards:

(1) CFA, “Colour-Symbol System to Mark Equipment and Vehicles for Product Identification”, published by the Canadian Fuels Association;

(2) CAN/ULC-S676, Standard for Refurbishing of Storage Tanks for Flammable and Combustible Liquids, published by the Underwriters’ Laboratories of Canada;

(3) CSA B836, Storage, handling and dispensing of aviation fuels at aerodromes, published by the CSA Group;

(4) CAN/CSA-Z662, Oil and Gas Pipeline Systems, published by the CSA Group, with regard to the maintenance, use, operation and safety requirements;

(5) NFCC, National Fire Code of Canada, published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, with regard to a portable container or tank;

(6) EPA/530/UST-90/004, Standard Test Procedures for Evaluating Leak Detection Methods: Volumetric Tank Tightness Testing Methods, published by the Environmental Protection Agency;

(7) EPA/530/UST-90/007, Standard Test Procedures for Evaluating Leak Detection Methods: Statistical Inventory Reconciliation Methods, published by the Environmental Protection Agency;

(8) NFPA 30, Flammable and Combustible Liquids Code, published by the National Fire Protection Association;

(9) Transportation of Dangerous Substances Regulation (chapter C-24.2, r. 43).

For the purposes of the third paragraph, amendments and editions of the technical standards published after 7 April 2018 apply to petroleum equipment installations only from the last day of the sixth month following the publication of the French and English versions of those texts. Where those versions are not published at the same time, the period runs from the date of publication of the last version. If the amendments or editions are in one language, the period runs from their publication.”.

7. The Code is amended by inserting the following after section 113:

“**113.1.** A petroleum equipment installation must comply with this Chapter, except for

(1) a petroleum equipment installation intended to store oil to supply a fuel burning appliance or intended to store diesel fuel to supply an engine that must comply with the regulation that was applicable to it at the time of its construction or alteration, with Divisions I to V and XI of this Chapter and with the requirements applicable to the testing of the operating performance, maintenance, use, operation and safety provided for in Divisions VI to VIII of this Chapter;

(2) a petroleum equipment installation located inside a building and intended to store fuel to supply a fuel distributor or intended to store fuel to supply an engine that must comply with the regulation that was applicable to it at the time of its construction or alteration, with Divisions I to V and XI of this Chapter and with the requirements applicable to the testing of the operating performance, maintenance, use, operation and safety provided for in Divisions VI to IX of this Chapter;

(3) a pipeline built after 6 April 2018 that must comply with CAN/CSA Standard Z662, Oil and Gas Pipeline Systems, published by the CSA Group, and with Divisions I to V and XI of this Chapter; and

(4) a portable container and tank that must comply with Sections 4.2 and 4.6 of Division B of the NFCC, National Fire Code of Canada, published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, and with subdivisions 1 to 3 of Division VII and with Divisions I to V and XI of this Chapter.

113.2. The technical standards developed by another body and referenced in this Chapter are indicated in the table below.

TABLE 1
REFERENCED TECHNICAL STANDARDS DEVELOPED BY ANOTHER BODY

Designation	Title	Reference
ACC – Association canadienne des carburants / Canadian Fuels Association		
CFA	Colour-Symbol System to Mark Equipment and Vehicles for Product Identification	112, 3rd paragraph, subpar. 1 219 258 (via 8.194 of the Construction Code)
API – American Petroleum Institute		
API 5L	Specification for Line Pipe	166 (via 8.25, 1st paragraph, subpar. 1, of the Construction Code) 168, 1st paragraph (via 8.25, 1st paragraph, subpar. 1, of the Construction Code)
API 650	Welded Tanks for Oil Storage	166 (via 8.24, par. 5, of the Construction Code)
API 1542	Identification Markings for Dedicated Aviation Fuel Manufacturing and Distribution Facilities, Airport Storage and Mobile Fuelling Equipment	250 (via 8.188 of the Construction Code)
API 2000	Venting Atmospheric and Low-Pressure Storage Tanks	205 (via 8.102 of the Construction Code)
ASME – American Society of Mechanical Engineers		
ASME B16.5	Pipe Flanges and Flanged Fittings: NPS ½ through NPS 24 Metric/Inch Standard	201 (via 8.107, 2nd paragraph, of the Construction Code)
ASME B31.3	Process Piping	166 (via 8.25, 2nd paragraph, of the Construction Code) 168, 1st paragraph (via 8.25, 2nd paragraph, of the Construction Code)
ASTM – American Society for Testing and Materials International		
ASTM A53/A53M	Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless	166 (via 8.25, 1st paragraph, subpar. 2, of the Construction Code) 168, 1st paragraph (via 8.25, 1st paragraph, subpar. 2, of the Construction Code)
ASTM A193/A193M	Standard Specification for Alloy-Steel and Stainless Steel Bolting for High Temperature or High Pressure Service and Other Special Purpose Applications	201 (via 8.109, 1st paragraph, of the Construction Code)

Designation	Title	Reference
ASTM D56	Standard Test Method for Flash Point by Tag Closed Cup Tester	110 (via 8.02, par. 3, subpar. <i>a</i> , of the Construction Code)
ASTM D93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester	110 (via 8.02, par. 3, subpars. <i>b</i> and <i>c</i>), of the Construction Code)
NRCC – Canadian Commission on Building and Fire Codes (National Research Council of Canada)		
NFCC	National Fire Code – Canada	112, 3rd paragraph, subpar. 5 113.1, subpar. 4 117, 1st paragraph, subpar. 7
Groupe CSA / CSA Group		
CSA B139 Series	Installation code for oil-burning equipment	117, 1st paragraph, subpar. 6
CSA B346	Power-Operated Dispensing Devices for Flammable Liquids	225, 1st paragraph
CSA B836	Storage, handling, and dispensing of aviation fuels at aerodromes	112, 3rd paragraph, subpar. 3 252
CSA Z245.1	Steel Pipe	166 (via 8.25, 1st paragraph, subpar. 3, of the Construction Code) 168, 1st paragraph (via 8.25, 1st paragraph, subpar. 3, of the Construction Code)
CAN/CSA-Z662	Oil and Gas Pipeline Systems	112, 3rd paragraph, subpar. 4 113.1, subpar. 3 119.2, subpar. 1.1 201 (via 8.103 of the Construction Code)

Designation	Title	Reference
EPA – Environmental Protection Agency		
EPA/530/UST-90/004	Standard Test Procedures for Evaluating Leak Detection Methods: Volumetric Tank Tightness Testing Methods	112, 3rd paragraph, subpar. 6 142, 1st paragraph (via 8.130, 2nd paragraph, of the Construction Code) 143, 2nd paragraph (via 8.130, 2nd paragraph, of the Construction Code) 145, 1st paragraph (via 8.130, 2nd paragraph, of the Construction Code) 177, 2nd paragraph, subpar. 1 (via 8.130, 2nd paragraph, of the Construction Code) 178 (via 8.130, 2nd paragraph, of the Construction Code) 215, 2nd paragraph (via 8.130, 2nd paragraph, of the Construction Code) 217, 1st paragraph (via 8.130, 2nd paragraph, of the Construction Code) Schedule I (section 215) (via 8.130, 2nd paragraph, of the Construction Code)
EPA/530/UST-90/007	Standard Test Procedures for Evaluating Leak Detection Methods: Statistical Inventory Reconciliation Methods	112, 3rd paragraph, subpar. 7 142, 1st paragraph (via 8.130, 2nd paragraph, of the Construction Code) 143, 2nd paragraph (via 8.130, 2nd paragraph, of the Construction Code) 145, 1st paragraph (via 8.130, 2nd paragraph, of the Construction Code) 177, 2nd paragraph, subpar. 1 (via 8.130, 2nd paragraph, of the Construction Code) 178 (via 8.130, 2nd paragraph, of the Construction Code) 215, 2nd paragraph (via 8.130, 2nd paragraph, of the Construction Code) 217, 1st paragraph (via 8.130, 2nd paragraph, of the Construction Code) Schedule I (section 215) (via 8.130, 2nd paragraph, of the Construction Code)

Designation	Title	Reference
NACE International – National Association of Corrosion Engineers		
NACE SP0169	Control of External Corrosion on Underground or Submerged Metallic Piping Systems	139, subpar. 1 b) 215, 1st paragraph (via 8.42, par. 2, of the Construction Code) 215, 2nd paragraph Schedule I (section 215)
NACE SP0285	Corrosion Control of Underground Storage Tank Systems by Cathodic Protection	139, subpar. 1 b) 215, 1st paragraph (via 8.42, par. 2, of the Construction Code) 215, 2nd paragraph Schedule I (section 215)
NFPA – National Fire Protection Association		
NFPA 30	Flammable and Combustible Liquids Code	112, 3rd paragraph, subpar. 8 182 (via 8.65, par. 4, of the Construction Code) 194
ULC – Laboratoires des assureurs du Canada / Underwriters' Laboratories of Canada		
CAN/ULC-S601	Standard for Shop Fabricated Steel Aboveground Tanks for Flammable and Combustible Liquids	166 (via 8.24, par. 1, of the Construction Code)
CAN/ULC-S603	Standard for Steel Underground Tanks for Flammable and Combustible Liquids	166 (via 8.23, 1st paragraph, subpar. 1, of the Construction Code)
CAN/ULC-S603.1	External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids	139, subpar. 1 a) 166 (via 8.23, 1st paragraph, subpar. 2, of the Construction Code) 215, 1st paragraph
CAN/ULC-S612	Standard for Hose and Hose Assemblies for Flammable and Combustible Liquids	233
CAN/ULC-S615	Standard for Fibre Reinforced Plastic Underground Tanks for Flammable and Combustible Liquids	166 (via 8.23, 1st paragraph, subpar. 3, of the Construction Code)
CAN/ULC-S620	Standard for Hose Nozzle Valves for Flammable and Combustible Liquids	218 (via 8.154 of the Construction Code)
CAN/ULC-S651	Standard for Emergency Valves for Flammable and Combustible Liquids	201 (via 8.115 of the Construction Code)

Designation	Title	Reference
CAN/ULC-S653	Standard for Aboveground Horizontal Steel Contained Tank Assemblies for Flammable and Combustible Liquids	117, 1st paragraph, subpars. 3, 4 and 5 (via 8.143 of the Construction Code) 166 (via 8.24, par. 2, of the Construction Code) 218 (via 8.143 of the Construction Code)
CAN/ULC-S655	Standard for Aboveground Protected Tank Assemblies for Flammable and Combustible Liquids	166 (via 8.24, par. 3, of the Construction Code)
CAN/ULC-S660	Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids	167 168, 1st paragraph
CAN/ULC-S661	Standard for Overfill Protection Devices for Flammable and Combustible Liquid Storage Tanks	117, 1st paragraph, subpars. 3 and 4 (via 8.125, par. 1, of the Construction Code), and; (via 8.127 of the Construction Code) 183 (via 8.61, par. 1, subpar. a, of the Construction Code) 189 (via 8.61, par. 1, subpar. a, of the Construction Code) 201 (via 8.125, par. 1, of the Construction Code), and; (via 8.127 of the Construction Code) 249, 2nd paragraph (via 8.61, par. 1, subpar. a, of the Construction Code)
CAN/ULC-S663	Standard for Spill Containment Devices for Flammable and Combustible Liquid Aboveground Storage Tank	183 (via 8.61, par. 1, subpar. a, of the Construction Code) 189 (via 8.61, par. 1, subpar. a, of the Construction Code) 249, 2nd paragraph (via 8.61 par. 1, subpar. a, of the Construction Code)
CAN/ULC-S664	Standard for Containment Sumps, Sump Fittings, and Accessories for Flammable and Combustible Liquids	117, 1 st par. subpars. 3, 4 and 5 (via 8.127 and 8.143 of the Construction Code) 201 (via 8.127 of the Construction Code) 218 (via 8.143 of the Construction Code)

Designation	Title	Reference
CAN/ULC-S668	Standard for Liners Used for Secondary Containment of Aboveground Flammable and Combustible Liquid Tanks	191 (via 8.62, par. 5, subpar. <i>a</i> , of the Construction Code)
CAN/ULC-S675.1	Standard for Volumetric Leak Detection Devices for Underground and Aboveground Storage Tanks for Flammable and Combustible Liquids	172, 2nd paragraph 174, 1st paragraph (via 8.29, par. 2, of the Construction Code)
CAN/ULC-S675.2	Standard for Nonvolumetric Precision Leak Detection Devices for Underground and Aboveground Storage Tanks and Piping for Flammable and Combustible Liquids	168, 2nd paragraph 172, 2nd paragraph 174, 1st paragraph (via 8.29, par. 2, of the Construction Code)
CAN/ULC-S676	Standard for Refurbishing of Storage Tanks for Flammable and Combustible Liquids	112, 3rd paragraph, subpar. 2 180 199, subpar. 1
CAN/ULC-S677	Standard for Fire Tested Aboveground Tank Assemblies for Flammable and Combustible Liquids	166 (via 8.24, par. 4, of the Construction Code)
ULC/ORD-C107.12	Line Leak Detection Devices for Flammable Liquid Piping	168, 2nd paragraph
ULC/ORD-C842	Guide for the Investigation of Valves for Flammable and Combustible Liquids	201 (via 8.115 of the Construction Code)

”

8. Section 114 is amended in the second paragraph

- (1) by replacing “fuel oil” by “heating fuel oil tanks”;
- (2) by replacing “diesel and biodiesel tanks” by “diesel tanks and diesel tanks containing biodiesel”;
- (3) by replacing “subparagraph 1” by “subparagraph *a* of subparagraph 3 of the first paragraph”.

9. Section 115 is amended

- (1) by inserting “heating” before “fuel oil” in subparagraph *b* of subparagraph 1 of the first paragraph;
- (2) by striking out the second paragraph;
- (3) by adding the following paragraph at the end:

“This section does not apply to the owner of a pipeline. However, the owner must implement a quality control program approved by the Board in accordance with section 119.2.”

10. Section 117 is amended

- (1) by replacing “sections 158 and 188” in subparagraph 5 of the first paragraph by “section 188”;
- (2) by inserting the following after subparagraph 5 of the first paragraph:

“(6) that, in the case of high-risk petroleum equipment covered by CSA Standard B139, Installation Code for Oil-Burning Equipment, published by CSA Group, he or she has examined the operation of the equipment to ensure that it meets the requirements of that standard; and

(7) that, in the case of high-risk petroleum equipment located inside a building and not covered by subparagraph 6, he or she has examined the operation of the equipment to ensure that it meets the requirements in Part 4 of Division B of the NFCC, National Fire Code of Canada, published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada.”;

(3) by replacing “professional order membership number and temporary permit or certification number issued pursuant to the Petroleum Products Act (chapter P-30.01)” in the third paragraph by “professional order membership number or the number of the temporary permit issued pursuant to the Engineers Act (chapter I-9)”.

11. Section 119.2 is amended

(1) by replacing “the program” in paragraph 1 by “in the case of high-risk petroleum equipment other than a pipeline, the program”;

(2) by inserting the following after paragraph 1:

“(1.1) in the case of a pipeline, the program meets the applicable requirements of CAN/CSA Standard Z662, Oil and Gas Pipeline Systems, published by the CSA Group;”;

(3) by replacing “the owner” in paragraph 4 by “except in the case of a pipeline, the owner”.

12. Section 121 is amended by inserting the following after paragraph 4:

“(4.1) if the application concerns a pipeline, a quality control program in accordance with the requirements of sections 119.2 and 119.4;”.

13. Section 124 is amended by inserting the following after paragraph 5:

“(5.1) in the case of a pipeline, the quality control program has been approved by the Board; and”.

14. Section 139 is amended

(1) in subparagraph *a* of paragraph 1 by replacing “CAN/ULC Standard S603.1-03 External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids” by “CAN/ULC Standard S603.1, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids”;

(2) in subparagraph *b* of paragraph 1 by replacing “RP0 Standard 169-2002” by “NACE Standard SP0169,” and “RP0 Standard 285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection” by “NACE Standard SP0285, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection”.

15. Section 158 is revoked.

16. Section 167 is replaced by the following:

“**167.** Nonmetallic piping must meet the requirements of CAN/ULC-S660, Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids, published by the Underwriters’ Laboratories of Canada. The piping must also be installed so that there are no joints in the ground.”.

17. Section 168 is amended

(1) in the first paragraph by replacing “ULC/ORD Standard C107.19 Secondary Containment of Underground Piping for Flammable and Combustible Liquids” by “CAN/ULC-S660, Standard for Nonmetallic Underground Piping for Flammable and Combustible Liquids”;

(2) in the second paragraph by replacing “ULC/ORD Standard C107.12-1992 Line Leak Detection Devices – Flammable Liquid Piping” by “ULC/ORD Standard C107.12, Line Leak Detection Devices for Flammable Liquid Piping,” and “ULC/ORD Standard C58.14-1992 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks” by “CAN/ULC-S675.2, Standard for Nonvolumetric Precision Leak Detection Devices for Underground and Aboveground Storage Tanks and Piping for Flammable and Combustible Liquids”.

18. Section 172 is amended in the second paragraph

(1) by replacing “ULC/ORD Standard C58.12-1992 Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks” by “CAN/ULC-S675.1, Standard for Volumetric Leak Detection Devices for Underground and Aboveground Storage Tanks for Flammable and Combustible Liquids”;

(2) by replacing “ULC/ORD Standard C58.14-1992 Non-Volumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks” by “CAN/ULC-S675.2, Standard for Nonvolumetric Precision Leak Detection Devices for Underground and Aboveground Storage Tanks and Piping for Flammable and Combustible Liquids”.

19. Section 180 is replaced by the following:

“**180.** An underground tank removed from the ground may not be reused to store petroleum products underground unless the tank is approved in accordance with CAN/ULC-S676, Standard for Refurbishing of Storage Tanks for Flammable and Combustible Liquids, published by the Underwriters’ Laboratories of Canada.”.

20. Section 194 is replaced by the following:

“**194.** The tank in a petroleum equipment installation may not be used to store a product other than a petroleum product unless the diked area of the installation meets the requirements of section 22.11.2.6 of NFPA Standard 30, Flammable and Combustible Liquids Code, published by the National Fire Protection Association.”

21. Section 199 is replaced by the following:

“**199.** An aboveground tank or piping component may not be reused to store petroleum products aboveground unless the following requirements are met:

(1) the tank must be approved in accordance with CAN/ULC-S676, Standard for Refurbishing of Storage Tanks for Flammable and Combustible Liquids, published by the Underwriters’ Laboratories of Canada;

(2) the piping must be cleaned, inspected and protected against outside corrosion.”

22. Section 200 is replaced by the following:

“**200.** Any tank removed that is not to be reused or that cannot be reused under the requirements of paragraph 1 of section 199 must be demolished in accordance with the requirements of section 8.68 of Chapter VIII of the Construction Code (chapter B-1.1, r. 2).”

23. Section 212 is amended by inserting “heating” before “fuel oil”.

24. Section 213 is amended by replacing “diesel or biodiesel fuel” by “diesel fuel or diesel fuel containing biodiesel”.

25. Section 215 is amended

(1) in the first paragraph by replacing “ULC/ORD Standard C58.10-1992 Jacketed Steel Underground Tanks for Flammable and Combustible Liquids” by “CAN/ULC Standard S603.1, External Corrosion Protection Systems for Steel Underground Tanks for Flammable and Combustible Liquids”;

(2) in the second paragraph by replacing “RP0 Standard 169-2002” by “NACE Standard SP0169,” and “RP0 Standard 285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection” by “NACE Standard SP0285, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection”.

26. Section 219 is amended by replacing “Canadian Petroleum Products Institute” by “Canadian Fuels Association”.

27. Section 225 is amended in the first paragraph

(1) by replacing “CSA Standard B346-M1980” by “CSA Standard B346,”;

(2) by replacing “Canadian Standards Association” by “CSA Group”.

28. Section 227 is amended

(1) by replacing “Table 1” by “Table 2”;

(2) by replacing “TABLE 1” in the heading of the table by “TABLE 2”.

29. Section 233 is amended by replacing “CAN/ULC Standard S612-99 Hose for Flammable and Combustible Liquids” by “CAN/ULC-S612, Standard for Hose and Hose Assemblies for Flammable and Combustible Liquids”.

30. Section 252 is amended by replacing “CAN/CSA Standard B836-2005 Storage, Handling and Dispensing of Aviation Fuel at Aerodromes, published by the Canadian Standards Association” by “CAN/CSA Standard B836, Storage, handling, and dispensing of aviation fuel at aerodromes, published by the CSA Group”.

31. Schedule I is amended in zone 1 of paragraph 3 of the section concerning section 215

(1) by replacing “RP0 Standard 169-2002” by “NACE Standard SP0169,”;

(2) by replacing “RP0 Standard 285-2002 Corrosion Control of Underground Storage Tank System by Cathodic Protection” by “NACE Standard SP0285, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection”.

32. This Regulation comes into force on the forty-fifth day following the date of its publication in the *Gazette officielle du Québec*.

Despite the foregoing, paragraph 3 of section 113.1, introduced by section 7 of this Regulation, does not apply to a pipeline for which the construction work began before 7 April 2018 and that were carried out in accordance with the former provisions of Chapter VIII Petroleum Equipment Installation of the Construction Code, as the read on 6 April 2018, in accordance with section 57 of the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act.

103348

Gouvernement du Québec

O.C. 89-2018, 7 February 2018

Building Act
(chapter B-1.1)

Pressure installations

Regulation respecting pressure installations

WHEREAS the Building Act (1985, chapter 34) was assented to on 20 June 1985;

WHEREAS section 214 of the Act as regards the Act respecting pressure vessels (chapter A-20.01) comes into force on 8 March 2018 pursuant to Order in Council 86-2018 dated 7 February 2018;

WHEREAS, under paragraph 0.1 of section 185 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec may, by regulation, exempt from the application of the Act or certain of its provisions in particular categories of pressure installations, facilities, installations or construction work;

WHEREAS, under paragraph 2.1 of section 185 of the Act, the Board may, by regulation, determine the criteria allowing the Board to recognize a person for the purposes of sections 16, 35 and 37.4 of the Act, the conditions and requirements that such a person must meet and the grounds on which the Board may revoke its recognition;

WHEREAS, under paragraph 3 of section 185 of the Act, the Board may, by regulation, determine the cases in which construction work must be reported to the Board, the time, form and manner according to which the report must be forwarded by the persons referred to in sections 22 and 37.2 and the conditions that they must fulfill;

WHEREAS, under paragraph 5.1 of section 185 of the Act, the Board may, by regulation, establish the conditions and the manner according to which a permit referred to in sections 35.2 and 37.1 is issued, amended or renewed, its period of validity and, if warranted, the cases in which obtaining such a permit is tied to the implementation of a quality control program, and the conditions and procedure for the approval of such a program by the Board or a person or body recognized by the Board;

WHEREAS, under paragraph 5.2 of section 185 of the Act, the Board may, by regulation, fix the fees payable for the issue, amendment or renewal of a permit by a person referred to in sections 35.2 and 37.1;

WHEREAS, under paragraph 5.3 of section 185 of the Act, the Board may, by regulation, adopt standards of design, manufacture, installation, repair, modification and use of a pressure installation;

WHEREAS, under paragraph 5.4 of section 185 of the Act, the Board may, by regulation, adopt standards of approval, registration and suitability of a method of welding a pressure installation, including the qualifications required of a person carrying out welding work on such an installation;

WHEREAS, under paragraph 5.5 of section 185 of the Act, the Board may, by regulation, determine the cases and the manner in which the conformity of a pressure installation is to be evaluated at the different stages of its design, manufacture, installation, repair, modification, operation or use and at the time of its marketing and commissioning, as well as the notices, information or documents to be sent or recorded in a register, the inspections or verifications to be carried out, the authorizations to be obtained and the statements, declarations, approvals or certificates of conformity required, and designate persons or bodies to carry out such an evaluation of conformity or to issue any approval or certificate required under sections 37 to 37.4;

WHEREAS, under paragraph 6.4 of section 185 of the Act, the Board may, by regulation, determine the cases in which and the place where a permit referred to in sections 35.2 and 37.1 must be posted;

WHEREAS, under paragraph 7 of section 185 of the Act, the Board may, by regulation, require, in the cases and in accordance with the conditions that it may determine, the preparation of plans and specifications and their forwarding to the Board and determine from whom such plans and specifications are required;

WHEREAS, under paragraph 20 of section 185 of the Act, the Board may, by regulation, determine the cases in which it collects fees for approval, authorization, revision, inspection, training, consultation, issuance of certificates of conformity, accreditation of recognized persons or bodies, and verifications, and fix such fees;

WHEREAS, under paragraph 37 of section 185 of the Act, the Board may, by regulation, determine the provisions of a regulation adopted under the section of which the infringement constitutes an offence under paragraph 7 of section 194, with the exception of provisions adopted under subparagraphs 5.2, 18, 18.1, 20 and 36.1 and under subparagraphs 16 and 17 with respect to fees payable;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt, generally, any other related or supplementary provision it considered necessary to give effect to the provisions of the section and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the contents of the codes or regulations may vary according to the classes of persons, contractors, owner-builders, manufacturers of pressure installations, owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, owners or operators of gas or petroleum product distribution undertakings and classes of buildings, pressure installations, facilities or installations to which the codes or regulations apply;

WHEREAS the Board adopted the Regulation respecting pressure installations on 12 October 2016;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting pressure installations was published in Part 2 of the *Gazette officielle du Québec* of 20 September 2017 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and Housing:

THAT the Regulation respecting pressure installations, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting pressure installations

Building Act
(chapter B-1.1, s. 185, pars. 0.1, 2.1, 3, 5.1 to 5.5, 6.4, 7, 20, 37 and 38, and s. 192)

CHAPTER I PRELIMINARY PROVISIONS

DIVISION I DEFINITIONS

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

“**accessory**” means a component connected to a pressure installation or forming part thereof, including a fitting, a valve, a cock, a water-level indicator, a gauge, an injector, a regulating or control device as well as a device subject to this Regulation as an accessory under the parameters provided for in figures a, b and c of section 2; (*accessoire*)

“**boiler**” means pressure equipment equipped with a direct power source used to heat a heat-carrying liquid or transform it into steam; (*chaudière*)

“**diameter**” means the inside diameter of a cylindrical vessel. The width or inside diagonal of a non-cylindrical vessel is also considered a diameter; (*diamètre*)

“**direct power**” means the power directly supplied to pressure equipment by means of electric or solar power, or by the combustion of a solid, a liquid, a gas or a mixture of the three; (*énergie directe*)

“**expansion tank**” means a pressure vessel used to provide a pneumatic cushion for the expansion of the water in a closed hot water heating system or cooling system; (*réservoir de dilatation*)

“**hot water tank**” means a pressure vessel not equipped with a direct power source and used to heat water or to store hot water; (*réservoir à eau chaude*)

“**hydropneumatic tank**” means a pressure vessel containing a liquid and compressed air used as damper or propeller; (*réservoir hydropneumatique*)

“**lethal substance**” means a toxic gas or liquid representing a risk of death. The lethal concentration 50 (CL₅₀) is used to determine the lethal potential of a substance; (*substance létale*)

“**low pressure**” means

(1) gauge pressure of 103 kPa or less for steam and gases;

(2) gauge pressure of 1,100 kPa or less for water at a temperature of 120 °C or less;

(3) vapour pressure of 205 kPa or less in absolute pressure for liquids other than water at the maximum operating temperature; (*basse pression*)

“**owner-user**” means a person or partnership that, for their own account, operates or uses a pressure installation, regardless of who is the owner; (*exploitant-utilisateur*)

“**pipng**” means a system of pipes and fittings, including a manifold, used exclusively to carry a fluid from one point to another; (*tuyauterie*)

“**pressure installation**”, depending on the context, means one or more of the following pieces of pressure equipment assembled to form an integrated, functional whole: a vessel or boiler intended to contain combustible or non-combustible gas or a liquid under pressure, and any pipes and accessories connected to it; (*installation sous pression*)

“**recognized person**” means a person or body recognized by the Régie du bâtiment du Québec (the Board) in accordance with Chapter VI to proceed with a compliance evaluation or to give an approval, an authorization or a certificate required under this Regulation; (*personne reconnue*)

“**safety device**” means a device to protect against over-pressure designed to release the pressure excess, in particular a safety valve, a relief valve, a safety relief valve or a rupture disc; (*dispositif de sûreté*)

“**thermal fluid**” means a heat-carrying fluid other than water and water-glycol mixtures that is used to transfer heat without vaporisation; (*fluide thermique*)

“**water heater**” means a pressure vessel equipped with a direct energy source in which water destined for exterior use is heated to a temperature of 99 °C or less and to a pressure of 1,100 kPa or less. The heat source and control devices are an integral part of the water heater; (*chauffe-eau*)

“**welder**” means a person qualified to carry out welding operations; (*soudeur*)

“**welding**” means the permanent assembly of materials by welding, brazing or fusing. (*soudage*)

DIVISION II

SCOPE

2. This Regulation applies to the following pressure equipment and their vicinity:

- (1) a boiler, an accessory and piping;
- (2) a pressure vessel that complies with the subsection parameters provided for in the following figures:

Figure (a)

Pressure vessels containing liquids that are not more dangerous than water

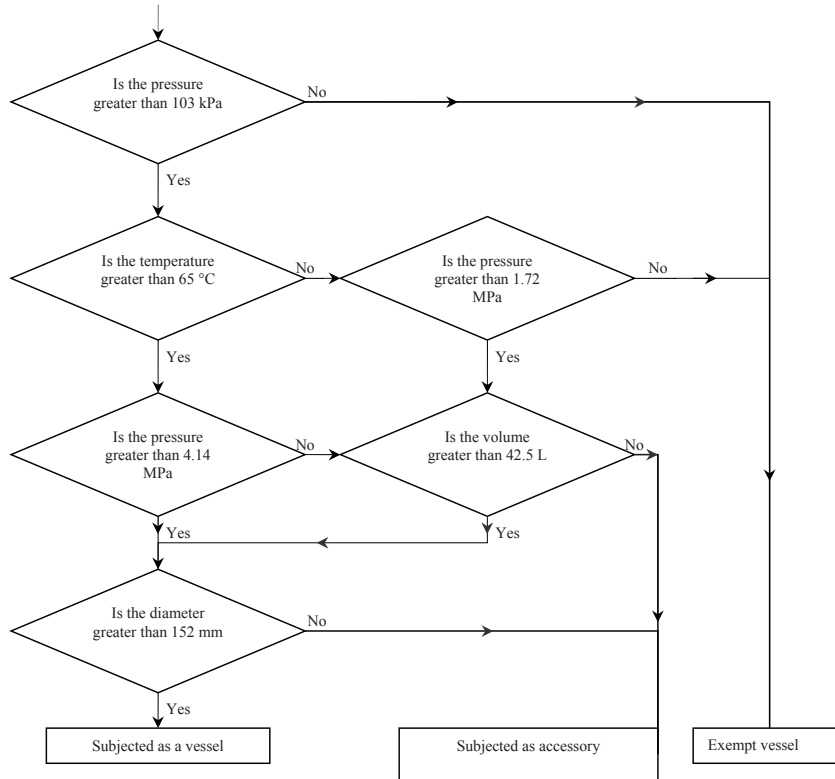
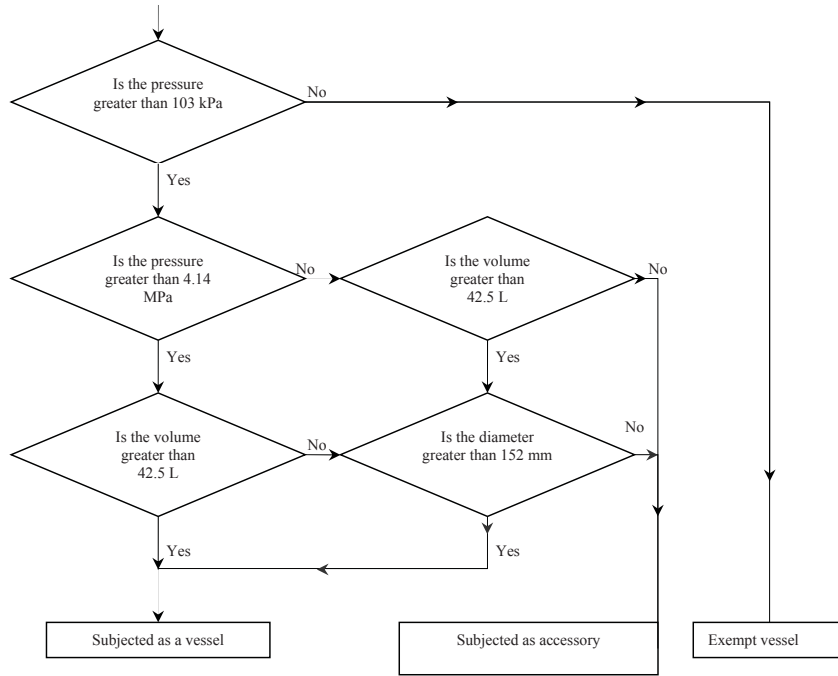
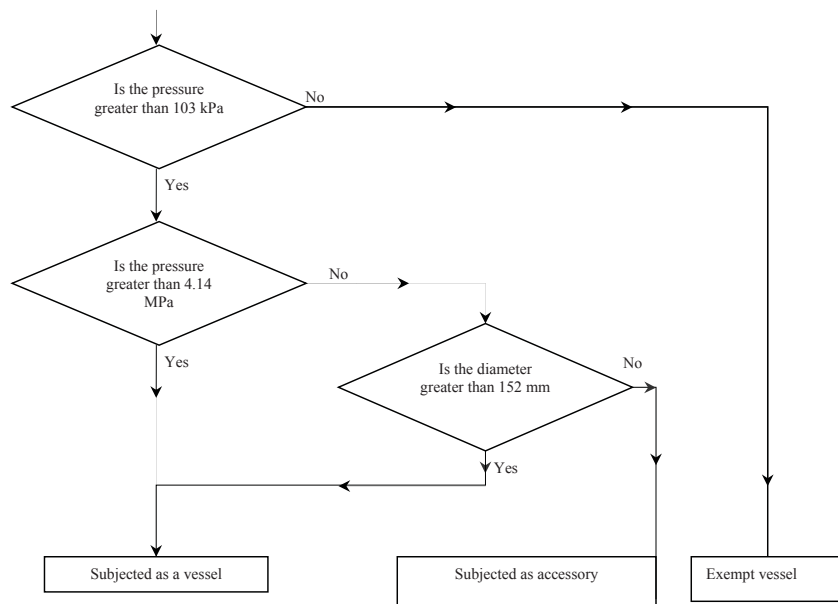


Figure (b)

Pressure vessels containing non-lethal substances not referred to in Figure a

**Figure (c)**

Pressure vessels containing lethal substances



3. This Regulation does not apply to the following pressure equipment nor to the accessories and piping connected to it:

- (1) a boiler:
 - (a) of the high pressure kind, whose heating surface is 1 m² or less or whose power is 10 kW or less;
 - (b) of the steam, hot water or thermal fluid low-pressure kind, whose wet heating surface is 3 m² or less or whose power is 30 kW or less;
 - (c) whose pressure is 103 kPa or less, open circuit, and that has no valve between the boiler and the vent leading directly to the atmosphere;
 - (d) of the hot water kind, whose power is 60 kW or less, whose water temperature is 99 °C or less and whose pressure is 1,100 kPa or less;
 - (e) of the hot water or steam kind, that has the following characteristics:
 - i. it has no steam drum or steam header;
 - ii. the tubes and coils are not used to produce steam;
 - iii. it is provided with manually operated nozzles or sprinklers that conduct the fluid directly into the atmosphere;
 - iv. the tubes have an outside diameter not exceeding 25 mm and the pipes have a nominal diameter not exceeding 19 mm;
 - v. its water volume does not exceed 23 litres;
 - vi. it is provided with a temperature control device that prevents the water temperature from exceeding 180 °C;
 - vii. it is provided with an overpressure safety relief device adjusted to and sealed at a pressure not exceeding the design pressure indicated on the boiler;
- (2) a water heater whose diameter is 610 mm or less and whose power is 120 kW or less;
- (3) a hot water tank whose diameter is 610 mm or less;
- (4) a hot water tank that is not provided with a power source and that contains water at a temperature of 99 °C or less;
- (5) a pressure vessel used as the enclosure for gas pressurized electric equipment and for any tank forming part thereof;

- (6) a hydropneumatic tank whose diameter is 610 mm or less, whose volume is 450 litres or less and whose temperature is 65 °C or less;

- (7) an expansion tank whose diameter is 610 mm or less and whose pressure is 205 kPa or less;

- (8) a mobile pressure vessel not forming part of a pressure installation and used to transport gas or liquid under pressure or used for the propulsion or operation of a vehicle, a vehicle component or equipment thereof;

- (9) pressure equipment whose primary design data and primary constraints come from the equipment's operating conditions such as a pump, a compressor, a turbine, an engine or a hydraulic cylinder;

- (10) well control pressure equipment used in the petroleum, gas or geothermal prospection and exploitation industry and in the underground storage and intended to contain or control the well's pressure;

- (11) pressure equipment used for research and experimentation purposes in a research or teaching establishment;

- (12) a pressure vessel not provided with a direct power source and containing an incompressible liquid whose vapour pressure is 205 kPa or less in absolute pressure at the maximum operating temperature.

This Regulation does not apply to a refrigeration system whose drive motor has a maximum rated power of 125 kW, that is tested and certified by an approved test laboratory, and that meets all the requirements of CSA B52, Mechanical refrigeration code, published by the CSA Group, hereinafter called "Mechanical Refrigeration Code".

4. This Regulation does not apply to piping

- (1) of the low pressure kind, except thermal fluid piping connected to a boiler subject to this Regulation;

- (2) of a refrigeration system whose capacity is 11 kW or less;

- (3) for fire protection;

- (4) for compressed air, whose nominal diameter does not exceed 19 mm; and

- (5) used to convey pressurized gas or liquid for combustion purposes and that is subject to Chapter II, Gas, or Chapter VIII, Petroleum Equipment Installation, of the Construction Code (chapter B-1.1, r. 2).

5. The provisions concerning installation, use and maintenance do not apply to the following pressure equipment nor to the accessories and piping connected to it:

(1) a tank used to store, supply or recover the gas of a vessel referred to in paragraph 5 of section 3, or a tank used for the operation of electricity generating equipment;

(2) a pressure vessel, accessory or piping subject to the requirements of Chapter II, Gas, of the Construction Code (chapter B-1.1, r. 2) or Chapter III, Gas, of the Safety Code (chapter B-1.1, r. 3).

CHAPTER II TECHNICAL STANDARDS APPLICABLE TO WORK

DIVISION I GENERAL

6. In this Regulation, a reference to a code or standard refers to the most recent edition published by the body and includes all the later amendments made to it.

Modifications and editions of the codes and standards published after 8 March 2018 apply to pressure installations only from the date of the last day of the sixth month following the publication of the French and English versions of those texts. Where those versions are not published at the same time, the period runs from the date of publication of the last version. If the amendments or editions are in one language, the period runs from their publication.

DIVISION II MANUFACTURING WORK

§1. *General*

7. Pressure equipment must be manufactured in accordance with CSA B51, Boiler, pressure vessel and pressure piping code, published by the CSA Group, hereinafter called “Manufacturing Code”.

In the case of refrigeration pressure equipment, it must be manufactured in accordance with the Mechanical Refrigeration Code.

§2. *Amendments to the Manufacturing Code*

8. Despite the provisions regarding the registration of designs provided for in the Manufacturing Code, the designs and specifications for piping and accessories of category A, B and C, manufactured in accordance with a standard recognized at the national level by the American Society of Mechanical Engineers (ASME), are not required to be registered with the Board.

The designs and specifications must, however, be kept for purposes of verification by the Board.

9. The Manufacturing Code is amended by striking out Annex J, Requirements regarding the use of finite element analysis (FEA) to support a pressure equipment design submission.

DIVISION III INSTALLATION WORK

§1. *General*

10. The installation of pressure equipment must be carried out in accordance with BNQ 3650-900, *Code d’installation des chaudières, des appareils et des tuyauteries sous pression*, published by the Bureau de normalisation du Québec (BNQ), hereinafter called the “Installation Code”.

However, in the case of refrigeration pressure equipment, the installation must be carried out in accordance with the Mechanical Refrigeration Code and, in the case of pressure equipment intended for the distribution networks of establishments providing health services, the installation must be carried out in accordance with CSA Standard Z7396.1, Medical gas pipeline systems – Part 1: Pipelines for medical gases, medical vacuum, medical support gases, and anaesthetic gas scavenging systems, published by the CSA Group.

§2. *Amendments to the Installation Code*

11. In addition to the provisions of the Installation Code regarding the conformity of pressure equipment, all pressure equipment must be supported, attached or anchored to ensure its safe operation.

12. Despite the provisions concerning flow sensitive devices, a device measuring the pressure differential in a thermal liquid boiler installation is allowed if it performs the same functions as a flow sensitive device.

DIVISION IV REPAIR AND ALTERATION WORK

13. The repair or alteration of pressure equipment must be carried out in accordance with the technical requirements of ANSI/NB-23, National Board Inspection Code, Part 3 Repairs and Alterations, published by the National Board of Boiler and Pressure Vessel Inspectors (National Board).

However, the repair of a safety valve must be carried out in accordance with the technical requirements of the National Board Inspection Code, Part 4 Pressure Relief Devices, ANSI/NB-23, published by the National Board.

A person repairing or altering pressure equipment must also take into account the codes and standards referenced by this Regulation and according to which the equipment was designed, manufactured or installed, as well as the operating conditions to which the equipment is subjected.

CHAPTER III WORK CONTROL MEASURES

DIVISION I PERMITS

§1. *General*

14. Every person who manufactures, installs, repairs or alters pressure equipment must hold a permit issued by the Board.

The classes of permits are the following:

- (1) permit to manufacture in a shop or field site;
- (2) installation permit;
- (3) permit to repair or alter in a shop or field site;
- (4) owner-user permit allowing to perform, for its own account, certain installation, repair or modification of its own pressure equipment.

15. An owner-user permit is also required for persons who wish, for their own account, to avail themselves of periodic inspection frequencies that differ from those provided for in the table in section 78.

16. A permit is not required for

- (1) the installation of pressure equipment producing low-pressure steam or hot water;
- (2) the installation, repair or alteration of piping with no welding involved;
- (3) the repair or alteration of pressure equipment accessories or fittings for low pressure steam or hot water production, other than an overpressure safety device.

However, the activities referred to in subparagraph 1 must be declared to the Board in accordance with the requirements of section 32.

§2. *Conditions for the issue, renewal or amendment*

17. A permit is issued following approval by the Board of a quality control program.

18. To be approved, a quality control program must be adapted to the activities of the person requiring the permit, taking into account, in particular, the nature and complexity of the activities.

The quality control program must also contain measures to ensure

(1) the conformity of the activities, materials used and welding procedures with this Regulation;

(2) the maintenance of the qualification of the personnel performing the activities;

(3) the qualification of the inspection personnel and the personnel's sufficient autonomy to identify any problem related to quality control and to apply the required solutions; and

(4) the possibility to verify, through the implementation of a register, that the activities and inspections have been carried out in accordance with the quality control program and that measures have been taken to remedy any default.

19. Every person applying for the issue, renewal or modification of a permit must provide the Board with the following information and documents, on the form provided for that purpose:

(1) name, home address, telephone number, email address and, if applicable, the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) if the application is made on behalf of a partnership or legal person:

(a) the name, address and telephone number of the head office;

(b) if applicable, any other name it is legally authorized to use in Québec and is related to the activities carried on in the field of pressure installations;

(c) the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) or, in the absence of such registration, a copy of the constituting act, shareholders' agreement or partnership contract;

(d) a declaration to the effect that the person is authorized to submit the application on behalf of the partnership or legal person;

(3) the class of permit and the field of activities for which the application is made;

(4) a copy of the manual describing the quality control program;

(5) the name and telephone number of the person in charge of enforcing the quality control program;

(6) a declaration whereby the person undertakes to comply with the quality control program.

Every permit application must include an attestation to the truthfulness of the information and documents provided under the first paragraph and be signed by the person submitting the application.

20. An application for the issue, renewal or modification of a permit is acceptable only if it contains all the required information and documents and only if it includes the fees payable under section 91.

21. A permit holder must inform the Board without delay of any change to the information and documents required under section 19.

22. In the case of an application for amending or renewing a permit, only the changes to the information and documents already submitted to the Board are to be provided.

23. An application for the renewal of a permit must be submitted to the Board at least 6 months before the permit's date of expiry.

§3. *Duration, content and display*

24. The period of validity of a permit is 3 years.

25. The permit contains

(1) the name of the person or partnership holding the permit and any other legal name that it is authorized to use in Québec and that is related to the activities carried on in the field of pressure installations;

(2) the address;

(3) the period of validity of the permit;

(4) the permit category and the details of the covered activities; and

(5) the signature of the president and chief executive officer or of a vice-president and the signature of the Board's secretary.

26. The permit holder must display the permit in view of the public at the location of the pressure installations or pressure equipment covered by the permit or, if the permit holder does not possess or operate any, in the permit holder's vehicle.

27. A permit may not be transferred.

§4. *Suspension and refusal to issue, modify or renew*

28. The Board suspends or refuses to issue, modify or renew a permit referred to in section 14 if the permit holder

(1) has not complied with an order issued under section 123 or 124 of the Building Act (chapter B-1.1); or

(2) has not complied with a remedial notice given by the Board under section 122 of the Building Act (chapter B-1.1) concerning a pressure installation covered by the permit or with a supplementary measure required in such notice.

DIVISIOON II AUTHORIZATIN AND APPROVAL

§1. *Manufacturing work*

29. Pressure equipment must be approved by the Board before it is put on the market.

30. In order to obtain the Board's approval, the following conditions must be met:

(1) subject to the exemptions concerning accessories and piping provided for in section 8, the design and specifications for the manufacturing of the pressure equipment must be registered with the Board. In addition, the design and specifications for the pressure vessels and boilers must be signed by an engineer;

(2) the pressure equipment must be manufactured in accordance with the quality control program;

(3) subject to the exemptions provided for in the Manufacturing Code, the pressure equipment must have been inspected by the Board at the time of manufacture;

(4) a declaration of conformity must be filed by the manufacturer and sent to the Board.

§2. *Installation work*

31. Pressure installations must be approved by the Board before they are put into service, except in the following cases:

(1) installation of a mobile boiler or pressure vessel at the same location for a period of 3 weeks or less;

(2) the work pertains solely to accessories or piping and is performed by an installer holding a permit;

(3) installations addressed in the quality control program, approved by the Board, which are allowed to be carried on without approval.

32. To obtain the Board's approval, a pressure installation declaration must be sent to the Board by the installer at least 30 days before the completion of the work on the form provided for that purpose. The declaration must include

- (1) the address of the worksite;
- (2) the name, address and telephone number of the person for whom the work is performed;
- (3) the name, address, telephone number, permit number and licence number of the person performing the work;
- (4) if applicable, the name of the engineer who designed or supervised the installation;
- (5) the dates on which the installation begins and ends;
- (6) the use of the building and the use of the installation;
- (7) the nature of the work performed;
- (8) the characteristics of the boiler or vessel, in particular its registration number, serial number, power, manufacturer's name and, in the case of a refrigeration pressure installation, the serial number, power and compressor manufacturer's name;
- (9) the fluid used; and
- (10) the pressure setting and the relieving capacity of the safety device.

To obtain the Board's approval, the installer must also provide the Board, upon completion of the work, with an indication that the verifications necessary for ensuring the conformity of the work have been made.

The declaration and indication provided for in this section must be signed and dated by the installer.

33. For installation work not requiring approval under paragraph 3 of section 31, a summarized installation declaration must be sent by the installer to the Board at the end of the work. The summarized declaration must contain information provided for in subparagraphs 1, 2, 3 and 8 of the first paragraph of section 32 and the indication provided for in the second paragraph of that section. The declaration and indication must be signed and dated by the installer.

All the information provided for in section 32 must also be kept by the installer for at least 5 years in a register available for consultation by the Board.

§3. *Repair or alteration work*

34. Every person must obtain authorization from the Board before repairing or altering pressure equipment, unless the quality control program approved by the Board provides that certain work is performed without authorization.

35. An application for authorization must be sent to the Board on the form provided for that purpose and include

- (1) the address of the worksite;
- (2) the name, address and telephone number of the person performing the work;
- (3) the name, address, telephone number, permit number and licence number of the person performing the work;
- (4) the reasons for which the work is necessary and the verifications made before the work;
- (5) the nature of the work to be performed;
- (6) the characteristics of the boiler or vessel, in particular its registration number, serial number, power and manufacturer's name; and
- (7) the list of the activities proposed in the course of the work.

The declaration must be signed and dated by the person who performs the work.

36. The Board may give its authorization subject to conditions, such as the performance of additional activities on the occasion of the repair or alteration of pressure equipment.

37. In addition to the authorization provided for in section 35, where repair or alteration work has a particular, complex or exceptional character, or where it constitutes a safety hazard, authorization from the Board must be obtained prior to the putting into service of the pressure equipment.

38. A person who repairs or alters pressure equipment must, upon completion of the work, so inform the Board using the form provided for that purpose.

CHAPTER IV PROVISIONS SPECIFIC TO WELDING WORK

DIVISION I TECHNICAL STANDARDS APPLICABLE TO WORK

39. Welding work performed during the manufacturing, installation, repair or alteration of pressure equipment must be carried out in accordance with the Boiler and Pressure Vessel Code, Section IX - Welding, Brazing and Fusing Qualifications, published by ASME, hereinafter called "Welding Code", and in accordance with the requirements of any other code or design, manufacturing, installation, repair or alteration standard that applies thereto.

DIVISION II WORK CONTROL MEASURES

§1. Registration of welding procedures

40. A welding procedure must be registered with the Board before welding work is carried out.

41. In order to be registered, the welding procedure must be qualified or pre-qualified in accordance with the Welding Code.

Despite the foregoing, in the case of a pre-qualified welding procedure recognized by ASME, the National Board or the Board, qualification tests for that welding procedure are not required.

42. Where an essential variable of a welding procedure is modified, the welding procedure must be registered again with the Board.

43. Registration with the Board is carried out by the issue of a registration number.

44. An enterprise that has registered a pre-qualified welding procedure with the Board must verify and make sure that it is applicable to the work and must use it within the limits and restrictions prescribed by the body that has qualified the welding procedure.

45. Where the welding is performed outside Québec, the welding procedure must be verified by a body authorized by ASME, by the National Board or by the provincial or territorial authority responsible for the administration of pressure vessels regulations before the pressure equipment can be installed in Québec.

46. An enterprise must keep a register of its welding procedures and keep the documents related to the qualification tests for those procedures.

§2. Qualification of welders

47. Every person who carries out welding work on a pressure installation must have the qualifications prescribed by the Welding Code, in addition to those required by any design, manufacturing, installation, repair or alteration standard that applies thereto.

48. At the time of the first qualification of an enterprise's welders, the tests must be performed under the supervision of the Board or within the context of a training program or the workforce qualification established under the Act respecting workforce vocational training and qualification (chapter F-5) or in accordance with the conditions provided for in the quality control program approved by the Board. Thereafter, the enterprise sees to the maintenance of the qualification of its welders.

49. The enterprise must subject its welders to new qualification tests where the welders have not used a specific process for more than 6 months or where their welding fails to meet the requirements of the Welding Code.

50. The enterprise must keep a register containing the information related to the qualification of its welders and the maintenance of qualification. The enterprise must also keep the documents relevant to the qualification tests taken by its welders.

CHAPTER V USE AND MAINTENANCE OF A PRESSURE INSTALLATION

DIVISION I GENERAL

51. Pressure equipment must be used for the purposes for which it was designed and for which it is intended. It must be kept in safe and proper working conditions.

52. A service room or machinery room of a pressure installation must be used and maintained so as not to constitute a safety hazard.

53. Accessibility to pressure equipment must be maintained to allow for maintenance, repair, cleaning, verification and inspection.

54. Where a pressure installation shows dangerous operating conditions, particularly following alteration, modification, intensive use, wear and tear or obsolescence, the required rectification must be made.

55. Any cause of corrosion, excessive deposit on the surfaces, deformation, distortion or cracking must be evaluated. The scope thereof must be determined before the required rectification is made.

56. In case of accident, explosion, rupture, leak or damage to a pressure installation, the owner-user must immediately stop the operation of the pressure installation and so inform the Board. If stopping the installation is impossible, temporary suppletive measures must be taken.

57. The marking that indicates the characteristics of pressure equipment must be complied with and kept. Where pressure equipment must be replaced, the characteristics of the replacement equipment must be compatible with the pressure installation and be of a quality equal to or greater than the original equipment.

58. A boiler or pressure vessel, including accessories and piping connected to the boiler or pressure vessel, shall not be used above the pressure and temperature limits authorized for their manufacturing, installation or condition.

59. Any alteration of a pressure installation resulting in an increased operating pressure or temperature must be reported to the Board and approved by it in accordance with the terms and conditions provided for in subdivision 3 of Division II of Chapter III.

60. Each mobile part of a pressure vessel must have a safety guard or screen.

61. The owner-user must make sure that a leak test at a pressure at least equal to the pressure set for the over-pressure safety relief device is carried out when there is a doubt about the integrity of pressure equipment.

62. The maximum quantity of refrigerant that may be stored in the machinery room of a refrigeration pressure installation is 136 kg in addition to the normal load of the system.

63. A person who decides to scrap pressure equipment or to no longer use it as pressure equipment must destroy or obliterate its stamp and so inform the Board. Otherwise, the person remains responsible for the equipment and continues to assume the obligations related to it.

DIVISION II PARTICULAR RULES FOR CERTAIN DEVICES

64. A safety device must be repaired or replaced in the following cases:

(1) the device is leaking, is cracked, does not operate in a satisfactory manner or has a broken seal;

(2) the outlet, outlet piping or piping linking the device to a pressure installation is blocked or the opening shows a risk of burn or injury;

(3) in the case of a valve, rust deposits have accumulated between the seat and the disk or the seat and the disk are stuck.

65. A safety device must be adjusted within the manufacturer's instructions or replaced in the following cases:

(1) the adjustment pressure exceeds the pressure allowed;

(2) the relieving capacity is less than the capacity required for the installation.

66. A safety device must be replaced when it no longer has an identification or must be evaluated, tested and adjusted so that it may be properly identified.

67. A control device, a gauge, a temperature indicator, a shut-off device in case of low water level, a flow sensitive device, a pressure or temperature limiting device or a water supply device that is defective or inoperative must be replaced, repaired or serviced according to the manufacturer's instructions.

The piping connecting those devices must be cleaned when an obstruction is observed.

68. The welded, screwed or flanged joints of an accessory, fitting or piping that show a leak must be repaired or replaced.

69. A cock, a manual or automatic locking device or a warning device that is defective or inoperative in a pressure installation must be repaired or replaced.

70. A fitting, cock, valve or piping used to drain or purge a pressure installation that is partially blocked must be cleaned.

DIVISION III PERIODIC INSPECTION OF A PRESSURE INSTALLATION

§1. General

71. The owner-user of a pressure installation must have it inspected by a recognized person, except in the cases of the following installations:

- (1) a refrigeration pressure installation using an A1 or B1 refrigerant;
- (2) a drain tank;
- (3) an air tank installation whose authorized maximum operating pressure does not exceed 1,725 kPa, whose volume does not exceed 0.651 m³ and whose diameter does not exceed 0.61 m.

72. An inspection is either external or internal. It includes, in particular, the verification of the condition of the outer or inner surface depending on the type of inspection, of the isolating material or the coating, manholes, hand holes or other inspection openings, the fittings, piping, accessories and piping supports, as well as the functioning of the control and operation devices.

73. Inspection also includes the verification of the condition of the overpressure protection devices, their pressure adjustment, their relieving capacity as well as the verification of the seals and the manual testing of their operation where possible.

74. The owner-user of a pressure installation must prepare the pressure equipment for inspection, give free access to the equipment, provide the materials required for the tests, remove the covers on manholes and hand holes and clean the outside and inside of the equipment.

75. Following the periodic inspection, the owner-user must obtain from the recognized person a periodic inspection certificate attesting to the conformity of the equipment.

§2. Special rules for the periodic inspection of certain vessels

76. In addition to the components listed in sections 72 and 73, the external inspection of a pressure vessel subject to a corrosion rate control must include

- (1) the verification of the surface of at least one exposed part of the vessel's coating; and
- (2) the determination of the thickness of the walls and comparison with the results obtained at the time of previous external inspections.

77. The external inspection of a vessel equipped with a quick-actuating closure, including a pressure cooker, must include, in addition to the components listed in sections 72 and 73, the verification of the condition, operation, wear and tear and imperviousness of the cover, exhausts, indicators, warnings and the fastening and locking components.

§3. Frequency of inspections

78. Subject to the special provisions of sections 79 to 81, the inspection must be carried out according to the frequencies indicated in the following table:

TABLE I
FREQUENCY OF EXTERNAL AND
INTERNAL INSPECTIONS

TYPE OF PRESSURE EQUIPMENT	MAXIMUM PERIOD BETWEEN TWO INSPECTIONS	
	EXTERNAL	INTERNAL
Pressure cookers with a quick release, except for sterilizers	1 year	1 year
Hot water boiler	2 years	--
Thermal fluid boiler	4 years	--
Low-pressure steam boiler (*)	1 year	3 years
High-pressure steam boiler (**)	1 year	1 year
Water heater	2 years	--
Deaerator (**)	2 years	2 years
Steam generator	2 years	2 years
Digestor	2 years	--
Tank containing a non-corrosive fluid	4 years	--
Compressed air tank	4 years	--
Hot water tank	4 years	--
Expansion tank	4 years	--
Drying roller	2 years	--
Refrigeration system using refrigerant other than A1 or B1	2 years	--
Any other type of pressure vessel	4 years	--

(*) The external periodic inspection must be made every year except for the year in which an internal inspection is made.

(**) The internal and external periodic inspection is made alternately for such equipment.

This section does not apply to pressure equipment and boilers whose periodic inspection frequency is determined by an inspection program included in a quality control

program approved by the Board in accordance with section 18. The inspection program must contain mechanisms to monitor the condition of the pressure vessels or boilers, in particular as to the control of their corrosion rate.

79. A pressure vessel or a boiler must undergo an internal and external inspection each time it is moved to another location, except in the case of a mobile vessel or boiler.

80. An internal inspection must be carried out where determination is made, following an external inspection, that the condition of the vessel or boiler reveals a safety hazard.

To determine the internal condition of the vessel or boiler, the visual internal inspection may be replaced by any other non-destructive test method such as ultrasound or radiography.

81. Where pressure equipment or a boiler undergoes a change in their conditions of use or has been out of use for more than 1 year, the owner or user must have it inspected and obtain authorization from the Board before putting it back into operation.

DIVISION IV REGISTER

82. During the existence of the pressure installation, the following information and documents must be entered into a register, available on the premises for consultation by the Board:

- (1) the name and contact information of the pressure installation's owner-user;
- (2) the manufacturer's operation and maintenance manual;
- (3) the history and a description of the maintenance, repairs, replacements and alterations carried out;
- (4) the results of any verification or inspection and a copy of the periodic inspection certificate;
- (5) the name and telephone number of the person responsible for maintenance.

CHAPTER VI RECOGNIZED PERSONS

83. In order to be recognized by the Board, a person must

- (1) depending on the activities the person wishes to engage in:

(a) be certified by ASME, according to ASME Standard QAI-1, Qualifications for Authorized Inspection, published by ASME;

(b) have and maintain a quality control program approved by the National Board in accordance with the requirements of NB-369, Accreditation of Authorized Inspection Agencies (AIA) Performing Inservice or Repair/Alteration Inspection Activities, published by the National Board;

(c) have and maintain a quality control program approved by the Board. The program must be adapted to the activities of the person seeking recognition, taking into account in particular the nature and complexity of the activities;

(2) provide in the quality control program or a letter of undertaking for provisions that regulate communication of information and documents with the Board;

(3) have the means necessary to ensure the confidentiality of the information obtained during inspections or verifications;

(4) if applicable, have staff members in charge of inspections and controls who hold a certificate in pressure installation inspection issued by Emploi Québec;

(5) have the means necessary for the adequate performance of the technical and administrative tasks related to the carrying out of evaluations, inspections or verifications;

(6) not be in a situation of conflict of interest such as

(a) have a direct or indirect interest in an enterprise that designs, manufactures, installs, repairs, alters or sells pressure equipment; or

(b) be under pressure, including commercial or financial pressure, likely to influence the person's judgment or the results of the person's verifications; and

(7) underwrite a civil liability insurance policy corresponding to the activities and covering the person's or body's liability for damaged caused to a third person for fault or negligence in the performance of the person's or body's tasks. The insurance policy must include a clause whereby the insurer undertakes to inform the Board of its intention to terminate the contract.

84. A person applying for recognition or renewal of recognition must provide the Board with the following information and documents:

(1) name, home address, telephone number, email address and, if applicable, the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) if the application is made on behalf of a partnership or legal person:

(a) the name, address and telephone number of the head office;

(b) if applicable, any other name it is legally authorized to use in Québec and is related to the activities carried on in the field of pressure installations;

(c) the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) or, in the absence of such registration, a copy of the constituting act, shareholders' agreement or partnership contract;

(d) a declaration to the effect that the person is authorized to make the application on behalf of the partnership or legal person;

(3) the field of activities for which the person applies for recognition and the number of years of experience acquired in that field;

(4) a copy of the manual describing the quality control program;

(5) the name and telephone number of the person in charge of enforcing the quality control program;

(6) a declaration whereby the person undertakes to comply with the quality control program;

(7) a copy of its organization chart, if applicable;

(8) proof of civil liability insurance and an attestation from the insurer that the insurance satisfies the provisions of paragraph 7 of section 83.

Every application for recognition or renewal of recognition must be accompanied by an attestation to the truthfulness of the information and documents provided under the first paragraph and be signed by the person submitting the application.

85. An application for recognition or renewal of recognition is acceptable only if it contains all the required information and documents.

86. A recognized person must inform the Board without delay of any change in the information and documents required under section 84.

87. The period of validity of recognition is 3 years.

88. Every application for renewal of recognition must be filed with the Board not less than 6 months before the date of the end of the period of validity of the recognition.

89. Pursuant to section 128.4 of the Building Act (chapter B-1.1), the grounds for revoking a person's recognition are the following:

(1) the person no longer meets the recognition conditions in this Chapter in particular the provisions of the person's quality control program;

(2) the person has falsely declared a fact or distorted it or omitted to declare it in the performance of the person's functions;

(3) the person has signed a false or misleading document;

(4) the person is found guilty of an offence under paragraph 2, 3, 4 or 7 of section 194 of the Building Act (chapter B-1.1).

CHAPTER VII FEES AND CHARGES

90. Charges of \$170 for the first hour or fraction of an hour and charges corresponding to half of that rate for each half hour or fraction of a half hour are payable to the Board for the performance of the following activities:

(1) the verification and registration of designs and specifications or any other document related to a pressure installation or pressure equipment or a part thereof;

(2) the verification and approval of a quality control program;

(3) the review or recording of a welding procedure and the qualification of a welder;

(4) the inspection of a pressure installation or pressure equipment or a part thereof;

(5) the verification of an application for recognition or renewal of recognition.

Charges of \$170 payable to the Board is added to those amounts for each trip required to perform the activities. The rate applies to each person required to make a trip. Those charges include the person's fees during the trip.

The charges payable to the Board are 1.5 those provided for in this section, with a minimum amount equal to the charges payable for 2 hours, where an activity is performed between noon and 1:00 p.m., between 4:30 p.m. and 8:30 a.m., on Saturdays, on Sundays, on a holiday and the day before or after 25 December or 1 January or on any other day standing in lieu thereof.

91. The fees payable are \$85 for the issue, amendment or renewal of a permit.

The fees are not reimbursed by the Board following the suspension, cancellation or abandonment of the permit.

CHAPTER VIII OFFENCE

92. A contravention of any provision of this Regulation constitutes an offence, except for the provisions of Chapter VII.

CHAPTER IX TRANSITIONAL AND FINAL

93. Despite section 96, persons who have a certificate of authorization issued following the approval of a quality control program by the Board pursuant to the Regulation respecting pressure vessels (chapter A-20.01, r. 1) are exempt from the obligation to hold a permit under this Regulation until the date of expiry of the certificate.

94. Despite the provisions of Division III of Chapter V, the periodic inspection of a pressure installation may be carried out by the Board or by a person to whom that function is delegated under section 8 of the Act respecting pressure vessels (chapter A-20.01) until 1 April 2019.

Where the periodic inspection is carried out by the Board, the charges payable to it are those provided for in section 90 of this Regulation.

95. This Regulation replaces the Regulation respecting pressure vessels (chapter A-20.01, r. 1).

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

(1) the rules regarding installation, repair or alteration or owner-user permits provided for in Division I of Chapter III come into force on 1 April 2019. Persons wishing to avail themselves of the new system of permits before that date may apply therefor with the Board;

(2) the provisions of CSA Standard Z7396.1, Medical gas pipeline systems – Part 1: Pipelines for medical gases, medical vacuum, medical support gases, and anaesthetic gas scavenging systems, adopted by reference under the second paragraph of section 10, come into force on 1 April 2019. Until that date, BNQ Standard 5710-500, *Gaz médicaux ininflammables – Réseaux de distribution des établissements fournissant des services de santé – Caractéristiques et méthodes d’essais*, published by BNQ and adopted under the Regulation respecting pressure vessels (chapter A-20.01, r. 1) remains applicable to the installation of pressure equipment intended for the distribution networks of institutions providing health services.

103349

Gouvernement du Québec

O.C. 92-2018, 7 février 2018

An Act respecting health services and social services (chapter S-4.2)

Monitoring mechanisms by a user sheltered in a facility maintained by an institution operating a residential and long-term care centre — Terms governing the use

Regulation respecting the terms governing the use of monitoring mechanisms by a user sheltered in a facility maintained by an institution operating a residential and long-term care centre

WHEREAS, under subparagraph 30 of the first paragraph of section 505 of the Act respecting health services and social services (chapter S-4.2), the Government may, by regulation, determine the terms governing the use, by a user and his representative described in section 12 of the Act, of monitoring mechanisms, such as cameras or any other technological means, in the facilities maintained by an institution and in intermediate resources, family-type resources, private seniors' residences or any other premises it determines, in connection with the provision of health services and social services;

WHEREAS the second paragraph of section 505 of the Act provides that a regulation under subparagraph 30 of the first paragraph of that section that enacts measures mainly applicable to seniors is made on the joint recommendation of the Minister of Health and Social Services and the Minister responsible for Seniors;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the terms governing the use of monitoring mechanisms by a user sheltered in a facility maintained by an institution operating a residential and long-term care centre was published in Part 2 of the *Gazette officielle du Québec* of 11 October 2017, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services and the Minister responsible for Seniors and Anti-Bullying:

THAT the Regulation respecting the terms governing the use of monitoring mechanisms by a user sheltered in a facility maintained by an institution operating a residential and long-term care centre, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the terms governing the use of monitoring mechanisms by a user sheltered in a facility maintained by an institution operating a residential and long-term care centre

An Act respecting health services and social services (chapter S-4.2, s. 505, par. 30)

CHAPTER I SCOPE AND DEFINITION

1. This Regulation applies to the installation and use of monitoring mechanisms, concealed or not, by a user sheltered in a facility maintained by an institution operating a residential and long-term care centre within the meaning of section 83 of the Act respecting health services and social services (chapter S-4.2) or by the user's representative described in section 12 of the Act.

2. For the purposes of this Regulation, "monitoring mechanism" means any mechanism, device or technological means allowing to capture images or sounds and used for monitoring purposes, in particular a monitoring camera.

CHAPTER II RULES GOVERNING THE INSTALLATION AND USE OF MONITORING MECHANISMS

3. A monitoring mechanism must be installed by the user or, as the case may be, the user's representative.

Where the mechanism is installed by the representative, he or she must obtain the user's consent, unless such consent is impossible to obtain.

4. The installation of a monitoring mechanism is authorized only to ensure the safety of the user or that of the user's property, or to ensure the quality of the care and services provided to the user, in particular to detect a case of user maltreatment.

5. A monitoring mechanism may not be used in a continuous manner by a user's representative, unless the purposes sought by the installation of the mechanism justify it.

6. Visual or sound recording by means of a monitoring mechanism may be done only if such recording is necessary for the purposes set out in section 4.

7. When a monitoring mechanism is installed in a room where several users are sheltered, the user who installs the mechanism or, as the case may be, the user's representative must obtain the consent of the other users sheltered in that room, or of their representatives, before installing the mechanism, unless the purposes sought by the installation of the mechanism justify proceeding without such consent.

The monitoring mechanism may not be installed and used to capture images or sounds of the other users sheltered in that room.

8. A monitoring mechanism may not be installed and used to capture images and sounds from outside the user's room where a mechanism is installed.

In addition, a monitoring mechanism may not enable to capture images from a bathroom, unless the purposes sought by the installation of the mechanism justify it.

9. The installation or use of a monitoring mechanism must not require that alterations be made to the institution's property, except with the institution's consent.

10. The installation or use of monitoring mechanisms must not entail costs for the institution, except with the institution's consent.

11. The monitoring mechanism must be removed if its use is no longer necessary for the purposes sought by the installation of the mechanism.

The need to use a monitoring mechanism must be reassessed at least every 6 months by the user or, as the case may be, the user's representative. The user or, as the case may be, the user's representative must then assess whether the reasons for installing the mechanism are still valid, whether the objectives sought by installing it have been attained and whether the terms governing the use of the mechanism have been complied with.

CHAPTER III RULES GOVERNING THE USE AND CONSERVATION OF IMAGES AND RECORDINGS

12. The user or, as the case may be, the user's representative is responsible for ensuring the confidentiality and security of the images captured using a monitoring mechanism and of the recordings made using such mechanism.

13. The use of images captured using a monitoring mechanism and of recordings made using such mechanism is restricted to what is necessary for the purposes set out in section 4.

14. The communication of images and recordings must be restricted and done in such a manner as to protect the identity of the persons whose picture or voice was captured.

The restrictions referred to in the first paragraph do not apply where the recordings are communicated to

(1) the institution that shelters the user, the local service quality and complaints commissioner of the institution or the Health Services Ombudsman;

(2) a body that, under the law, is in charge of preventing, detecting or repressing crime or offences against the law, if the recordings are necessary to prosecute an offence against an Act applicable in Québec; or

(3) any other person to whom the recording must be communicated by reason of an emergency posing a threat to the life, health or safety of a person.

15. Recordings may be conserved only if such conservation is necessary for fulfilling the purposes sought by the installation of the mechanism.

The need to conserve recordings must be reassessed at least every 6 months by the user or, as the case may be, the user's representative. The user or, as the case may be, the user's representative must then assess whether the reasons for conserving the recordings are still valid and whether the objectives sought by conserving them have been attained.

16. A recording must be destroyed by the user or, as the case may be, the user's representative, or at their request.

17. A recording made with a monitoring mechanism must be destroyed using safe and permanent means that ensure the confidential nature of the information contained in the recording.

18. The destruction method used must take into account the medium used for the recording and the confidential nature of the recordings.

When the recording is on a reusable electronic medium such as a memory card or a computer's hard disk, destruction may be accomplished, in particular, by formatting, rewriting or electronic shredding.

Where the recording is on a non-reusable electronic medium such as a compact disc, destruction may be accomplished, in particular, by physically destroying the medium.

19. Where the recording is destroyed by a third person, he or she must be informed of the confidential nature of the recordings and of the fact that the recording was made in accordance with this Regulation.

20. This Chapter applies to any copy, transcription or reproduction, total or partial, of a recording made with a monitoring mechanism.

CHAPTER IV OBLIGATIONS OF INSTITUTIONS

21. When a user is admitted, an institution operating a residential and long-term care centre must inform the user or, as the case may be, the user's representative of the rules applicable to the installation and use of monitoring mechanisms and provide the user or representative with the support needed to comply with the rules.

22. An institution operating a residential and long-term care centre must properly indicate the possibility that monitoring mechanisms could be installed in the facilities where the centre operates.

The indications must be installed in such a way as to be visible by any person entering the facility.

The indications must not enable to identify the location where a monitoring mechanism is installed.

23. An institution operating a residential and long-term care centre must designate a person in charge of providing the support needed to the user or, as the case may be, the user's representative so that they can comply with this Regulation.

CHAPTER V
TRANSITIONAL AND FINAL

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

103350

Draft Regulations

Draft Regulation

Building Act
(chapter B-1.1)

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

The draft Regulation amends section 1.09 of Chapter I, Building, of the Construction Code (chapter B-1.1, r. 2) to include provisions concerning minimum accessibility and adaptability in dwelling units. The draft Regulation provides that the building designer has a choice between both levels of accessibility.

It is estimated that the new provisions concerning minimum accessibility will have an overall monetary impact of about \$10.3 million over a 5-year period, that is, an additional cost of about \$250 per dwelling. If the designer chooses adaptability, there will be an additional cost of \$300 per dwelling.

Further information may be obtained by contacting André Gravel, Director, Direction de l'interprétation et du soutien réglementaire, Régie du bâtiment du Québec, 800, place D'Youville, 15^e étage, Québec (Québec) G1R 5S3; telephone: 418 644-3905; fax: 418 646-9280.

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

LISE THÉRIAULT,
*Minister responsible for Consumer
Protection and for Housing*

Regulation to amend the Construction Code

Building Act

(chapter B-1.1, ss. 173, 176, 176.1, 178, 185, pars. 0.1 and 38, and s. 192)

1. The Construction Code (chapter B-1.1, r. 2) is amended in the table in section 1.09

(1) by replacing the line of Article 3.1.5.6. by the following:

3.1.5.6.	<p>Replace the title in the French text by the following: "Bandes et fonds de clouage";</p> <p>Add the following Sentences:</p> <p>"(2) Wood nailing elements for covering a roof or a bead-type copper wall are permitted in a <i>building</i> required to be of <i>noncombustible construction</i>, provided they are installed directly on Type X gypsum board that is at least 15.9 mm thick.</p> <p>(3) Continuous wood nailing elements in the walls of a washroom or a bathroom for the installation of grab bars or accessories around a bathtub, a shower, a lavatory or a water closet are permitted in a <i>building</i> required to be of <i>noncombustible construction</i>."</p>
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(2) by replacing the line of Article 3.8.1.3. by the following:

3.8.1.3.	<p>Replace Sentence (1) by the following:</p> <p>"(1) Except as required elsewhere in this Part or by Subsection 3.8.4 or 3.8.5 or as permitted by Article 3.8.3.3. pertaining to doorways, every <i>barrier-free</i> path of travel shall</p> <p>(a) have an unobstructed width of not less than 920 mm, and</p> <p>(b) have a manoeuvring area not less than 1,500 mm in diameter on each side of any door opening onto a <i>suite</i> referred to in Article 3.8.2.4."</p>
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(3) by replacing the line of Article 3.8.2.1. by the following:

3.8.2.1.	<p>Replace "platform-equipped passenger-elevating device" in Sentence (1) by "lift or ramp for persons with physical disabilities that must conform to Clause 3.4.6.7.(1)(a)";</p> <p>Replace Clauses (g), (j), (k) and (l) of Sentence (2) by the following:</p>
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	<p>"(g) to floor levels not served by a passenger elevator, a lift for persons with physical disabilities, an escalator, an inclined moving walk or a ramp that must conform to Clause 3.4.6.7.(1)(a),</p> <p>(j) to floor levels of a <i>suite</i> of <i>residential occupancy</i> that are not at the same level as the entry level to the <i>suite</i>, except in a <i>dwelling unit</i> of <i>residential occupancy</i>, where one of the spaces referred to in Subsection 3.8.4. or 3.8.5. of the <i>dwelling unit</i> is located at a level other than the entry level to the <i>dwelling unit</i> (see Appendix A);</p> <p>(k) within a <i>dwelling unit</i> of a <i>care occupancy</i>;</p> <p>(l) within those parts of a <i>floor area</i> that are not at the same level as the entry level, provided amenities and uses provided on any raised or sunken level are accessible on the entry level by means of a <i>barrier-free</i> path of travel;"</p> <p>Add the following Clauses in Sentence (2):</p> <p>"(m) within a hotel or motel <i>suite</i> of <i>residential occupancy</i> not referred to in Article 3.8.2.4.;</p> <p>(n) within a bedroom, that is not part of a <i>dwelling unit</i>, of a <i>residential occupancy</i> other than a bedroom referred to in Article 3.8.2.4.;</p> <p>(o) to spaces not referred to in Subsection 3.8.4. of a minimally accessible <i>dwelling unit</i> of <i>residential occupancy</i>; and</p> <p>(p) to spaces not referred to in Subsection 3.8.5. of an adaptable <i>dwelling unit</i> of <i>residential occupancy</i>."</p>
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(4) by inserting the following after the line of Article 3.8.2.4.:

	<p>Add the following article:</p> <p>"3.8.2.5. Dwelling Unit of Residential Occupancy</p> <p>(1) A <i>dwelling unit</i> of <i>residential occupancy</i> shall be minimally accessible or adaptable (see Appendix A):</p> <p>(a) the minimally accessible <i>dwelling unit</i> shall conform to the requirements of Subsection 3.8.4., and</p> <p>(b) the adaptable <i>dwelling unit</i> shall conform to the requirements of Subsection 3.8.5."</p>
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(5) by replacing the line of Article 3.8.3.3. by the following:

3.8.3.3.	<p>Replace Sentence (4) by the following:</p> <p>"(4) A threshold for a doorway referred to in Sentences (1) and (2) shall,</p>
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	<p>(a) except as provided in Clause (b), be not more than 13 mm higher than the finished floor surface and be bevelled;</p> <p>(b) in the case of a threshold for a doorway giving access to a balcony, be not more than 75 mm higher than the finished flooring.";</p> <p>Replace Sentence (5) by the following:</p> <p>"(5) Except as permitted in Sentences (6) and (12), every door that provides a <i>barrier-free</i> path of travel through an entrance referred to in Article 3.8.1.2., including the interior doors or every door of a vestibule leading from a <i>barrier-free</i> interior parking area to an elevator, where provided, shall be equipped with a power door operator that allows persons to activate the opening of the door from either side if the entrance serves</p> <p>(a) a hotel;</p> <p>(b) a <i>building</i> of Group B, Division 2 or 3 <i>major occupancy</i>, or</p> <p>(c) a <i>building</i> of Group A, D or E <i>major occupancy</i> more than 600 m² in <i>building area</i>.";</p> <p>Insert the following in Sentence (13), after "Except as provided in Clause 3.8.3.4.(1)(c): "and Subsections 3.8.4. and 3.8.5.".</p>
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(6) by inserting the following after the line of Article 3.8.3.17.:

	<p>Add the following Subsections:</p> <p>"3.8.4. Minimally Accessible Dwelling Unit of Residential Occupancy</p>
	<p>3.8.4.1. Application</p> <p>(1) This Subsection shall apply to minimally accessible <i>dwelling units</i> of <i>residential occupancy</i>.</p> <p>(2) In addition, in the minimally accessible <i>dwelling unit</i> of <i>residential occupancy</i>, shall conform to the requirements of Articles 3.8.1.3., 3.8.3.3., 3.8.3.4. and 3.8.3.5., except as provided in the requirements of this Subsection.</p>
	<p>3.8.4.2. Barrier-Free Path of Travel</p> <p>(1) In the <i>dwelling unit</i>, the <i>barrier-free</i> path of travel shall extend from the door at the entrance to the <i>dwelling unit</i> to the inside of each of the following spaces:</p> <p>(a) a washroom (see Appendix A),</p> <p>(b) a living room, and</p> <p>(c) a dining room.</p>

	<p>(2) Where the <i>barrier-free</i> path of travel giving access to the spaces has a corridor, provide a level floor surface for changes of direction in the corridor</p> <p>(a) not less than 1,500 mm in diameter, or</p> <p>(b) not less than 1,500 mm X 1,050 mm.</p>
	<p>3.8.4.3. Doorways and Doors</p> <p>(See Appendix A.)</p> <p>(1) A sliding door shall have a clear space on the latch side extending the height of the doorway and not less than</p> <p>(a) 50 mm beyond the edge of the door opening if the approach is perpendicular, or</p> <p>(b) 540 mm beyond the edge of the door opening if the approach is lateral.</p> <p>(2) Except for a door at the entrance to the <i>dwelling unit</i>, notwithstanding the requirements of Sentence 3.8.3.3.(13), the floor surface, on each side of the door, shall be level within a rectangular area</p> <p>(a) as wide as the door plus the clearance required on the latch side by Sentence 3.8.3.3.(10) or Sentence (1), and</p> <p>(b) whose dimension perpendicular to the closed door</p> <p>(i) is not less than 1,050 mm where the door swings away from the approach side,</p> <p>(ii) is not less than 1,050 mm for a sliding door where the approach is lateral, or</p> <p>(iii) is not less than 1,200 mm in other cases.</p>
	<p>3.8.4.4. Controls</p> <p>(1) Controls for the operation of <i>building services</i> or safety devices, including electrical switches, thermostats, door hardware, electrical outlets and intercom switches, that are intended to be operated by the occupant and that are located in or adjacent to a <i>barrier-free</i> path of travel, shall</p> <p>(a) be installed 400 to 1,200 mm above the floor, and</p> <p>(b) be located at a distance not less than 300 mm from the inside corner of a wall.</p>
	<p>3.8.4.5. Washroom</p> <p>(1) The washroom shall be provided with a water closet</p> <p>(a) having a rear wall clearance over a length not less than 1,000 mm, that is, 500 mm on each side of the centre of the water closet or the floor flange, or</p> <p>(b) having a rear wall clearance over a length not less than 850 mm, measured from the side wall if</p>

	<p>(i) the water closet is installed at a distance not less than 460 mm and not more than 480 mm from a side wall, measured from the centre of the device or the centre of the floor flange, and</p> <p>(ii) the side wall has a length not less than 1,250 mm.</p> <p>(2) The washroom shall be provided with a lavatory</p> <p>(a) placed so that there is not less than 460 mm between its axis and a side wall, and</p> <p>(b) the edge of which is not more than 865 mm from the floor.</p> <p>(3) The washroom shall be provided with a clear space that is</p> <p>(a) round and 1,500 mm in diameter to access the lavatory and the water closet, or</p> <p>(b) rectangular to access</p> <p>(i) the lavatory, of 750 mm wide by 1,200 mm long centered on the lavatory and located in front of the lavatory, and</p> <p>(ii) the water closet, of 1,400 mm long from the rear wall of the water closet by 1,200 mm wide, regardless of the lavatory.</p> <p>(4) A continuous wood nailing element shall be installed for the water closet</p> <p>(a) where the water closet is installed in accordance with Clause 3.8.4.5.(1)(a), in the wall behind the water closet, over a surface not less than 1,000 mm wide centered in the centre of the water closet and over a height not less than 1,100 mm, measured from the floor, or</p> <p>(b) where the water closet is installed in accordance with Clause 3.8.4.5.(1)(b):</p> <p>(i) in the side wall, over a length of not less than 1,250 mm, measured from the rear wall of the water closet and over a height of not less than 1,500 mm, measured from the floor, and</p> <p>(ii) in the wall behind the water closet over a surface not less than 800 mm wide centered on the centre of the water closet and over a height of not less than 900 mm.</p> <p>(See Appendix A.)</p> <p>(5) A continuous wood nailing element shall be installed, if applicable, in the walls surrounding the bathtub and the shower, over a height of not less than 1,800 mm, measured from the floor.</p>
	<p>3.8.5. Adaptable Dwelling Unit of Residential Occupancy</p>
	<p>3.8.5.1. Application</p> <p>(1) This Subsection shall apply to adaptable <i>dwelling units of residential occupancy</i>.</p> <p>(2) In addition, in the adaptable <i>dwelling unit of residential occupancy</i>, shall conform to the requirements of Articles 3.8.1.3., 3.8.3.3., 3.8.3.4. and 3.8.3.5., except as provided in the requirements of this Subsection.</p>

	<p>3.8.5.2. Barrier-Free Path of Travel</p> <p>(1) In the <i>dwelling unit</i>, the <i>barrier-free</i> path of travel shall extend from the door at the entrance to the <i>dwelling unit</i> to the inside of each of the following spaces:</p> <ul style="list-style-type: none">(a) a bathroom (see Appendix A),(b) a living room,(c) a dining room,(d) a kitchen,(e) at least one bedroom, and(f) a balcony, where provided. <p>(2) Where the <i>barrier-free</i> path of travel giving access to the spaces has a corridor, provide a level floor surface for changes of direction in the corridor of</p> <ul style="list-style-type: none">(a) not less than 1,500 mm in diameter; or(b) not less than 1,500 mm X 1,050 mm.
	<p>3.8.5.3. Doorways and Doors</p> <p>(1) A sliding door shall have a clear space on the latch side extending the height of the doorway and not less than</p> <ul style="list-style-type: none">(a) 50 mm beyond the edge of the door opening if the approach is perpendicular, or(b) 540 mm beyond the edge of the door opening if the approach is lateral. <p>(2) Notwithstanding the provisions of Sentence 3.8.3.3.(13), the floor surface, on each side of a door, shall be level within</p> <ul style="list-style-type: none">(a) a round area and have a diameter not less than 1,500 mm, or(b) a rectangular area<ul style="list-style-type: none">(i) as wide as the door plus the clearance required on the latch side by Sentence 3.8.3.3.(10) or Sentence (1), and(ii) whose dimension perpendicular to the closed door is not less than 1,050 mm where the door swings away from the approach side or for a sliding door where the approach is lateral, or is not less than 1,200 mm in other cases.

	<p>3.8.5.4. Controls</p> <p>(1) Controls of the operation of <i>building</i> services or safety devices, including electrical switches, thermostats, door hardware, electrical outlets and intercom switches, that are intended to be operated by the occupant and that are located in or adjacent to a <i>barrier-free</i> path of travel shall</p> <p>(a) be installed 400 to 1,200 mm above the floor, and</p> <p>(b) be located at a distance not less than 300 mm from the inside corner of a wall.</p>
	<p>3.8.5.5. Bathroom</p> <p>(1) The bathroom shall be provided with a water closet</p> <p>(a) whose centre of the floor flange is placed not less than 1,400 mm from the centre of the lavatory trap, or</p> <p>(b) that is located not less than 1,100 mm from an adjacent wall or from equipment, measured from the centre of the floor flange.</p> <p>(See Appendix A.)</p> <p>(2) The bathroom shall be provided with a lavatory</p> <p>(a) whose trap is placed so that there is not less than 460 mm between its axis and a side wall;</p> <p>(b) whose trap bottom is located not less than 230 mm and not more than 300 mm from the floor, and</p> <p>(c) whose trap entrance is located not more than 330 mm from the wall behind the lavatory.</p> <p>(See Appendix A.)</p> <p>(3) The bathroom shall have not less than one bathtub or one shower and, if the bathroom has only one shower, the shower shall have a floor surface of not less than 900 mm by 900 mm.</p> <p>(4) The bathroom shall have a clear space to access</p> <p>(a) the lavatory and the water closet, that is round and 1,500 mm in diameter,</p> <p>(b) the shower, where provided, that is rectangular, not less than 750 mm by 1,200 mm in front of the shower, and</p> <p>(c) the bathtub, where provided, that is rectangular, not less than 1,200 mm measured from the faucets by 750 mm measured perpendicularly to the bathtub.</p> <p>(5) A continuous wood nailing element shall be installed</p> <p>(a) in the walls around the bathtub or the shower, over a height of not less than 1,800 mm, measured from the floor, and</p>

	(b) in the wall behind the water closet, over an area not less than 1,000 mm wide centred in the middle of the floor flange and over a height of not less than 1,100 mm, measured from the floor.
	<p>3.8.5.6. Bedroom</p> <p>(1) The adaptable bedroom shall have an area not less than 11 m² having a length and a width not less than 3 m.</p> <p>(2) Except where the bedroom is located in the <i>basement</i>, the window sill, if applicable, shall be installed at a maximum height of 1,000 mm from the floor.</p>
	<p>3.8.5.7. Kitchen</p> <p>(1) A round clear space not less than 1,500 mm in diameter shall be provided in the kitchen for access to the sink and range, regardless of the counters (see Appendix A).</p> <p>(2) The bottom of the sink trap shall be located 230 mm from the floor (see Appendix A).</p> <p>(3) The entrance of the sink trap shall be located not more than 330 mm from the wall behind the sink or not less than 280 mm from the front of the sink (see Appendix A).</p>
	<p>3.8.5.8. Living Room and Dining Room</p> <p>(1) Except where the spaces are located in the <i>basement</i>, the window sill of the living room and the dining room, where provided, shall be installed at a maximum height of 1,000 mm from the floor.</p>
	<p>3.8.5.9. Balcony</p> <p>(1) Notwithstanding the requirements of Sentence 3.8.3.3.(13), a balcony, where provided, shall have a round clear area not less than 1,500 mm in diameter."</p>

(7) by inserting the following after the line of Article 10.3.8.4.:

	<p>10.3.8.5. Dwelling Unit of Residential Occupancy</p> <p>Article 3.8.2.5. and Subsections 3.8.4. and 3.8.5. concerning <i>dwelling units of residential occupancy</i> shall not apply to a minor or major <i>alteration</i> or to a change of <i>occupancy</i>.</p>
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(8) by inserting the following after the line of Article A-3.8.2.1.:

Add the following note:

"A-3.8.2.1.(2)(j) Barrier-Free Path of Travel. Where all the spaces referred to in Subsection 3.8.4. or 3.8.5. are located at the entry level of the dwelling unit, the barrier-free path of travel need not extend to other levels of the dwelling unit.

It is possible to provide the spaces referred to in Subsection 3.8.4. or 3.8.5. at a level other than the entry level of the dwelling unit. The barrier-free path of travel must then extend to that other level. The installation of a ramp or a lift for persons with physical disabilities is then required.

There are several types of lifts for persons with physical disabilities and the lifting device chosen must conform to all the requirements of the Code, including the requirements of CSA B355, "Lifts for Persons with Physical Disabilities".

Where the lifting device chosen is a stair chair lift or a stair platform lift, the lifting device shall be installed when the building is constructed.

The stair must have a clear width of 860 mm in addition to the width required for the device deployed.

The width necessary for the installation and use of the device varies on the basis of the device chosen:

- for a stair chair lift, not less than 650 mm in addition to the 860 mm, that is, a stair width of not less than 1,510 mm, is to be provided;
- for a stair platform lift, not less than 1,000 mm in addition to the 860 mm, that is, a stair width of not less than 1,860 mm, is to be provided.

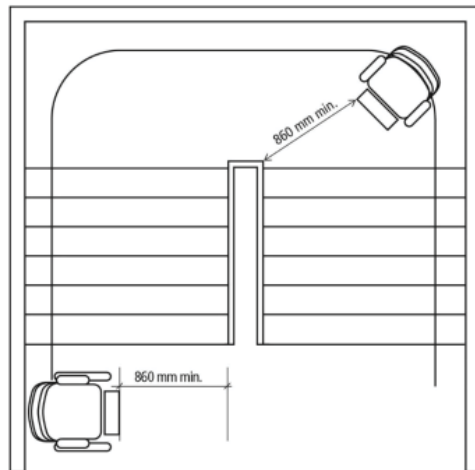


Figure A-3.8.2.1.(2)(j)
Stair in a dwelling unit of a residential occupancy
Clear width".

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(9) by inserting the following after the line of Article A-3.8.2.3.:

	<p>Add the following note:</p> <p>"A-3.8.2.5.(1) Dwelling Unit of Residential Occupancy. A minimally accessible dwelling unit is a dwelling unit whose design integrates amenities in certain parts of the dwelling unit that make it possible to meet the needs of a person with one or more disabilities.</p> <p>An adaptable dwelling unit is a dwelling unit whose design is such that it may be easily adapted to the specific needs of a person with one or more disabilities."</p>
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;

(10) by inserting the following after the line of Article A-3.8.3.3.(5):

	<p>Add the following notes:</p> <p>"A-3.8.4.2.(1)(a) Minimally Accessible Dwelling Unit. In a minimally accessible dwelling unit, if the washroom is inside another space (washroom inside a bedroom) and no other washroom is accessible in the dwelling unit, the barrier-free path of travel required must extend inside the bedroom or another space to reach the washroom even if no accessibility requirement is applicable to that room.</p> <p>A-3.8.4.3. Doorways and Doors. Clear floor surfaces on each side of the door are necessary to allow persons in wheelchairs to approach the door on the latch side, open the door and enter the room while minimizing the number of manoeuvres. The width of the clear floor surfaces on each side of the door is different depending on which side the door opens. Where the door swings toward the approach side, a dimension perpendicular to the closed door not less than 1,200 mm is required. The requirements of Article 3.8.3.3. apply to the door at the entrance to the dwelling unit. However, the requirements of Sentence 3.8.4.3.(2) do not apply.</p>
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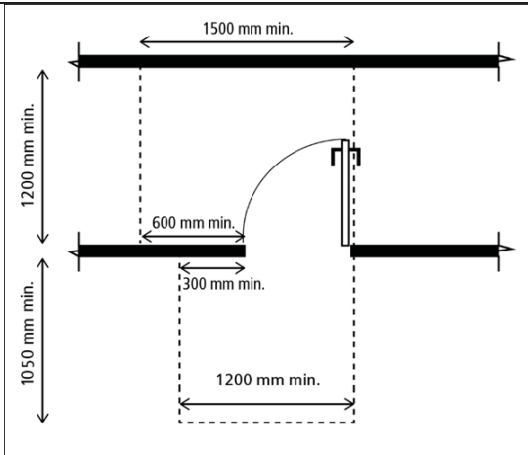


Figure A-3.8.4.3.-A
Clear floor surfaces
Door rotating on a vertical axis

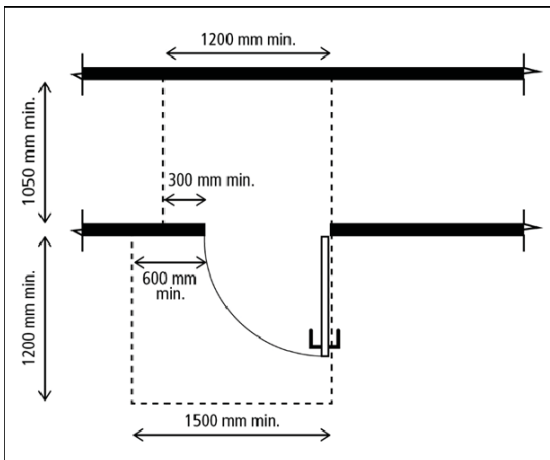


Figure A-3.8.4.3.-B
Clear floor surfaces
Door rotating on a vertical axis

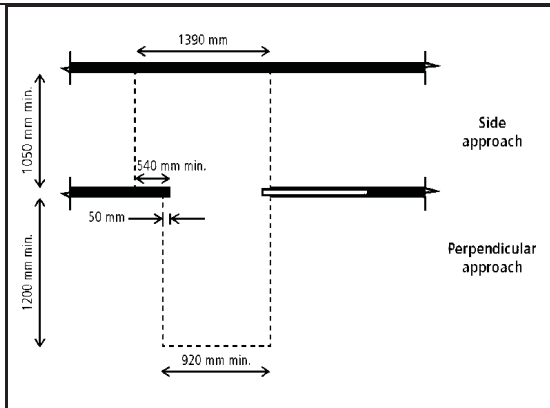


Figure A-3.8.4.3.-C

Clear floor surfaces

Sliding door

A-3.8.4.5.(4) Washroom. The installation of a continuous wood nailing element of 1,000 mm in width centred on the water closet is permissible where there is no wall adjacent to the water closet at a distance not more than 480 mm from the centre of the wall, allowing the installation of lateral continuous wood nailing element over a length not less than 1,250 mm. A continuous wood nailing element not less than 1,000 mm wide allows the installation of retractable grab bars on both sides of the water closet.

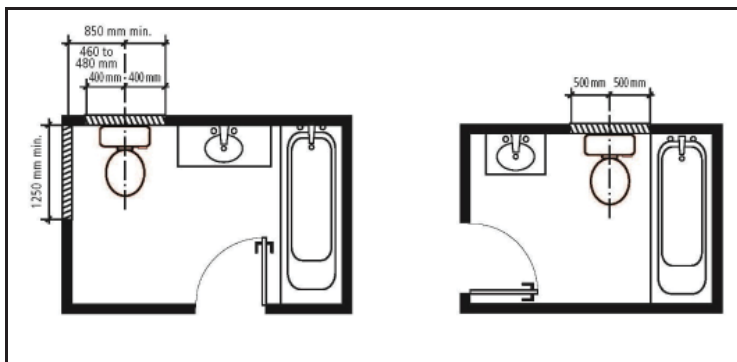


Figure A-3.8.4.5.(4)

Continuous wood nailing element for the installation of grab bars adjacent to the water closet

A-3.8.5.2.(1)(a) Adaptable Dwelling Unit. In an adaptable dwelling unit, the requirements concerning the extension of the barrier-free path of travel to the washroom as stated in Sentence A-3.8.4.2.(1)(a) apply to the bathroom.

A-3.8.5.5.(1) Bathrooms. The lateral transfer of a person in a wheelchair to the seat of the water closet requires a clear width not less than 900 mm adjacent to the water closet and a length not less than 1,500 mm from the rear wall of the water closet. The requirement related to that surface for an adaptable bathroom allows the encroachment of a vanity or furniture for dismantling work, to meet the potential need of a person with one or more disabilities occupying the dwelling unit. However, encroachment of that space by bathroom equipment such as the shower or the bathtub is not permissible.

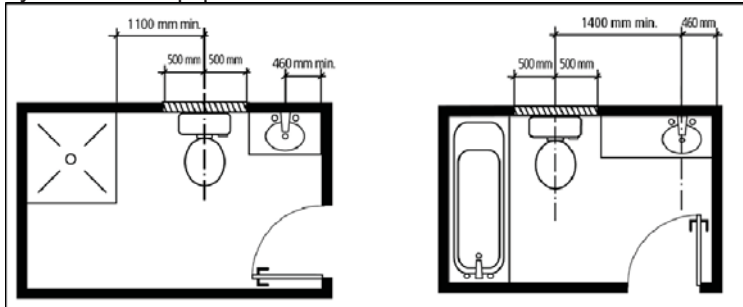


Figure A-3.8.5.5.(1)

Lateral transfer surface adjacent to the water closet

A-3.8.5.5.(2) Bathroom. To allow persons in wheelchairs front access to the lavatory, the clear height under the trap must be not less than 230 mm. In addition, to allow those persons to use the lavatory, the lavatory will have to be lowered to a height not more than 865 mm. For that purpose, the distance measured from the floor to the bottom of the trap must be not more than 300 mm.

In an adaptable dwelling unit, the edge of the lavatory need not be installed at a height not more than 865 mm in relation to the floor or to allow front access to the lavatory of the bathroom. However, an appropriate installation of the plumbing is required to allow future adaptation.

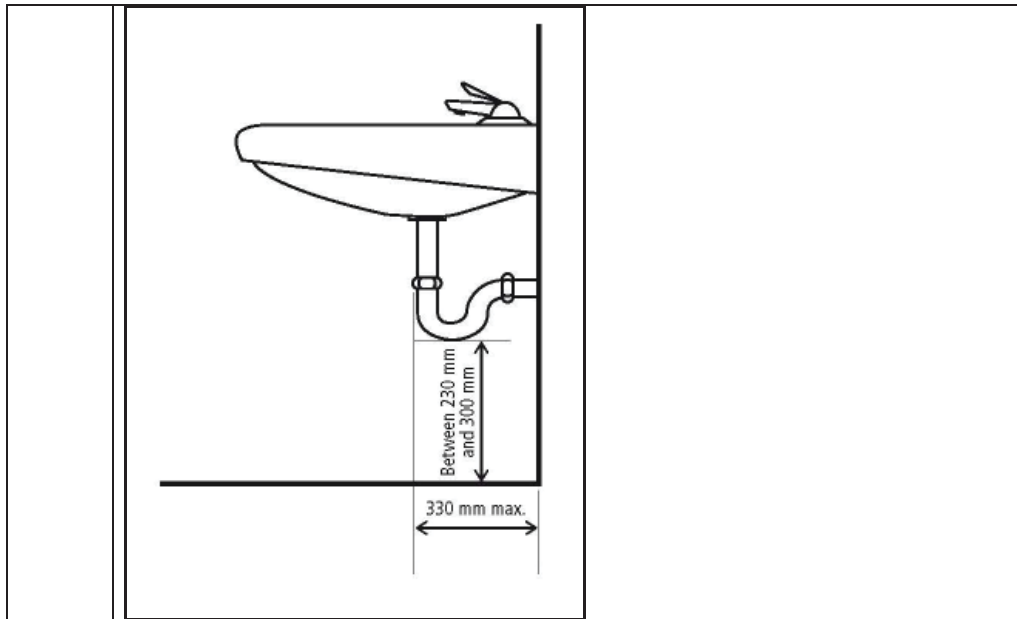


Figure A-3.8.5.5.(2)

Indications for the lavatory plumbing

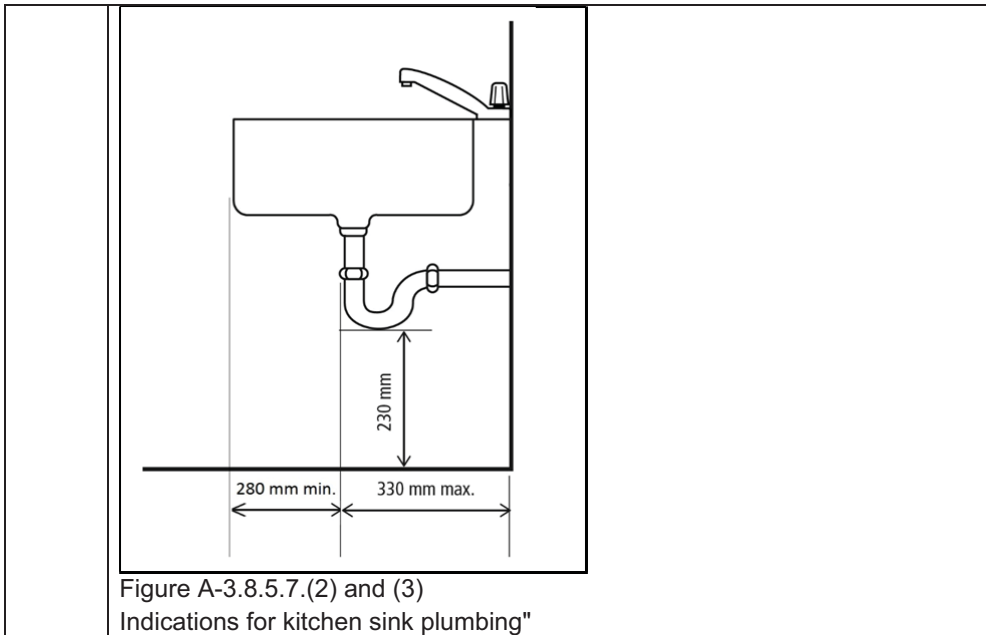
A-3.8.5.7(1) Manoeuvring Area in the Kitchen. A manoeuvring area not less than 1,500 mm in diameter is required in the kitchen in front of the sink and the range, which does not require plumbing or electrical work for the purpose of moving the sink or the range to allow access to persons in wheelchairs. The travel of the appliance doors may encroach on the manoeuvring area.

A cooktop and a built-in oven may replace the range provided the 1,500-mm manoeuvring area allows access to both.

A-3.8.5.7.(2) and (3) Kitchen Sink Plumbing. To allow front access to the sink by a person in a wheelchair and a sink height not more than 865 mm, the height measured from the floor to the bottom of the sink trap must be 230 mm.

In the case of a sink installed in a kitchen island, the longitudinal dimension to give persons in wheelchairs front access to the kitchen sink may be measured from the front edge of the counter of the island containing the sink and must be not less than 280 mm.

In an adaptable dwelling unit, counters need not be installed at 865 mm and kitchen furniture is allowed under the sink. However, an appropriate installation of the plumbing is required to allow future adaptation.



2. Despite section 1, the provisions of Chapter I of the Construction Code as amended by Order in Council 347-2015 dated 15 April 2015 may be applied to the construction of a building or its alteration, as defined in that Chapter, provided that the work started before (*insert the date occurring 12 months after the date of coming into force of this Regulation*).
3. This Regulation comes into force on the forty-fifth day following the date of its publication in the *Gazette officielle du Québec*.

103354

Draft Regulation

Building Act
(chapter B-1.1)

Construction Code

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

The draft Regulation updates technical standards incorporated by reference into Chapter II, Gas, of the Construction Code (chapter B-1.1, r. 2) and takes into account technological developments in that field. In addition, the draft Regulation includes in Chapter II, Gas, of the Construction Code the exemptions provided for in sections 3.3.3 and 3.3.4 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1).

The addition of the new provisions entails additional costs of about \$4.6 million over 5 years for gas contractors.

Those costs include in particular the purchase of the most recent editions of the standards adopted by reference and the upgrade of regulations to take into account the evolution of practices in Québec.

Further information may be obtained by contacting André Gravel, Director, Direction de l'interprétation et du soutien réglementaire, Régie du bâtiment du Québec, 800, place D'Youville, 15^e étage, Québec (Québec) G1R 5S3; telephone: 418 644-3905; fax: 418 646-9280.

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

LISE THÉRIAULT,
*Minister responsible for
Consumer Protection and for Housing*

Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act

Building Act
(chapter B-1.1, ss. 173, 176, 176.1, 178, 185, pars. 0.1, 3, 6.1, 6.2, 6.3, 20, 37 and 38, and s. 192)

I. The Construction Code (chapter B-1.1, r. 2) is amended by replacing Chapter II by the following:

“CHAPTER II GAS

DIVISION I DEFINITIONS

2.01. In this Chapter, unless the context indicates otherwise,

“gas” means natural gas, biomethane, manufactured gas, and mixtures of propane gas and air, propane, propylene, butanes (normal butane and isobutane) and butylenes, and a mixture or a type of those gases; (*gaz*)

“gas installation” means a fixed or mobile installation, including its immediate piping, intended to use, store or distribute gas; (*installation de gaz*)

“natural gas” means natural gas, biomethane, mixtures of propane gas and air and a type or a mixture of those gases; (*gaz naturel*)

“propane” means a liquefied petroleum gas consisting mainly of propane, propylene, butane, butylene, a type or a mixture of those gases. (*propane*)

DIVISION II SCOPE

2.02. This Chapter applies to construction work for a gas installation, including its surroundings.

It does not apply to an installation intended to use gas other than an installation used to produce energy, heat or light from a gas.

In addition, it does not apply to installations intended to

- (1) store or distribute gas by tank vehicle as long as the tank is not used as a storage tank at the point of use;
- (2) use gas to ensure the motive power of a vehicle;
- (3) use gas in a refinery, whatever its origin, as raw material for the petroleum refining process or a petrochemical plant;
- (4) store, in a refinery, gas resulting from the refining of petroleum;
- (5) store or use gas on boats;
- (6) use gas as a refrigerant;
- (7) store gas in underground natural tanks or tanks shaped in the ground; and
- (8) use or store on the premises gas collected from a landfill or gas from an anaerobic digester.

DIVISION III STANDARDS INCORPORATED BY REFERENCE

2.03. The following standards, published by CSA Group, are incorporated by reference into this Chapter subject to the amendments provided for in Division VII:

- (1) CSA B108, Compressed natural gas fuelling stations installation code;
- (2) CSA B149.1, Natural gas and propane installation code;
- (3) CSA B149.2, Propane storage and handling code;
- (4) CSA B149.3, Code for the field approval of fuel-related components on appliances and equipment;
- (5) CAN/CSA-Z276, Liquefied natural gas (LNG) - Production, storage and handling;
- (6) CAN/CSA-Z662, Oil and gas pipeline systems.

2.04. In this Chapter, a reference to a standard refers to the most recent edition and includes any subsequent amendments made to that edition.

However, the amendments and editions published after (*insert the date of coming into force of this Regulation*) apply to gas installations only from the last day of the sixth month following the date of publication of the French and English versions of the texts. Where those versions are not published at the same time, the time limit runs from the date of publication of the last version.

DIVISION IV REFERENCES

2.05. Unless otherwise provided for, a reference in this Chapter to a standard or code is a reference to that standard or code as adopted by the chapter of the Construction Code or the Safety Code (chapter B-1.1, r. 3) that refers to it.

DIVISION V APPROVAL OF APPLIANCES AND EQUIPMENT

2.06. Any appliance or equipment used in a gas installation must be approved for the use for which it is intended.

It is prohibited to sell or lease an appliance or equipment that has not been approved. It is also prohibited, except for approval purposes, to use an appliance or equipment that has not been approved in an installation intended to use gas.

However, an appliance or equipment may, during an exhibition, a presentation or a demonstration, be used without prior approval, provided that it is accompanied by a notice with the following warning in characters measuring at least 15 mm: “WARNING: this material has not been approved for sale or lease as required under Chapter II of the Construction Code.”.

This section does not apply to the following appliances or equipment:

- (1) a manual appliance whose input power does not exceed 20,000 Btu/h (5.86 kW) intended for industrial applications;
- (2) a Bunsen burner;
- (3) an internal combustion engine.

2.07. Any appliance or equipment certified by a certification agency accredited by the Standards Council of Canada in the field of gas and whose affixation of a seal or label of approval or of certification of that agency attests compliance with Canadian standards, is deemed to be approved.

An appliance on which a label is affixed certifying that, without being certified by one of the agencies referred to in the first paragraph, that appliance is recognized by one of the agencies as complying with the construction and testing requirements of CSA Standard B149.3, is also deemed to be approved. However, approval is not required for each component of an appliance where the appliance has received overall approval.

For the purposes of this Chapter, “certification” or “certified” means recognition by a certification agency accredited by the Standards Council of Canada in the field of gas, by means of a label affixed on each certified appliance or equipment certifying that the appliance or equipment complies with the construction and testing requirements of the standards published by the standards development organizations accredited by the Standards Council of Canada to develop gas standards.

DIVISION VI DECLARATION OF WORK

2.08. A contractor or an owner-builder in gas must declare to the Board the construction work the contractor or owner-builder has carried out and to which this Chapter applies, except construction work for an installation intended to distribute natural gas by pipeline and maintenance or repair work to a gas installation.

An owner-builder who keeps a register containing the information required by the declaration of work is exempt from that declaration.

2.09. The declaration of work must contain

- (1) the address of the work site;
- (2) the name, address and telephone number of the person for whom the work is carried out;
- (3) the name, address, telephone number and licence number of the contractor or owner-builder in gas who carried out the work;
- (4) the dates scheduled for the beginning and end of the construction work;
- (5) the occupancy of the building and the number of stories and dwelling units;
- (6) the nature and type of work, in particular work for a new installation or alterations;
- (7) the number, power and nature of the appliances installed;

- (8) the type of gas and its state (gaseous or liquid);
- (9) the gas supply pressure of the gas installation; and
- (10) the date of the declaration.

2.10. The work must be declared on the form provided for that purpose by the Board and be sent to the Board not later than the day scheduled for the beginning of the work.

DIVISION VII AMENDMENTS TO STANDARDS

2.11. CSA Standard B108 is amended

(1) by replacing the first paragraph in Clause 2 by the following:

“The documents incorporated by reference into this Code are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Code is then the document as adopted by that chapter or regulation.”;

(2) in Clause 3

(a) by replacing the first sentence of the Clause by the following:

“Unless the context indicates otherwise, the following definitions shall apply in this Code.”;

(b) by replacing the definition “**Approved**” by the following:

“**Approved:** approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition “**Authority having jurisdiction**” by the following:

«**Authority having jurisdiction:** Régie du bâtiment du Québec.»;

(d) by striking out the definition “**Certified**”;

(3) by adding the following after Clause 6.21:

“6.22 Every tank used to store and transport compressed natural gas shall be designed, manufactured, tested and marked in accordance with the most recent edition of CSA Standard B51, including any subsequent amendments to the Act respecting pressure vessels (chapter A-20.01) and its regulations that may be published.”.

2.12. CSA Standard B149.1 is amended

(1) by replacing Clause 1.1 by the following:

“1.1 This Code applies to

(a) gas installations where gas is to be used for fuel purposes, subject to paragraph *b*;

(b) piping and tubing systems extending from the termination of the gas undertaking’s installations for natural gas or from the distributor’s liquefied petroleum gas tanks; the termination of the gas undertaking’s installations is the point where its piping ends;

(c) natural gas vehicle refuelling appliances and their equipment, excluding storage installations;

(d) gas engines and turbines.”;

(2) by revoking Clause 1.2;

(3) by replacing Clause 1.3 by the following:

“1.3 Where the term “gas” is used, the requirements of this Code apply equally to and include any of the following gases, type or mixtures of them: natural gas, biomethane, manufactured gas and mixtures of propane gas and air, propane, propylene, butanes (normal butane or isobutane) and butylenes.

Where the term “natural gas” is used, the requirements of this Code apply equally to and include the following gases, type or mixtures of them: natural gas, biomethane and mixtures of propane gas and air.

Where the term “propane” is used, the requirements of this Code apply equally to and include the following gases or mixtures of them: propane, propylene, butanes (normal butane or isobutane) and butylenes.”;

(4) by replacing the first paragraph of Clause 2 by the following:

“The documents incorporated by reference into this Code are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Code is then the document as adopted by that chapter or regulation.”;

(5) in Clause 3

(a) by replacing “The following definitions shall apply in this Code:” after the note by “Unless the context indicates otherwise, the following definitions shall apply in this Code:”;

(b) by replacing the definition “**Approved**” by the following:

“**Approved**: approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition “**Authority having jurisdiction**” by the following:

«**Authority having jurisdiction**: Régie du bâtiment du Québec.»;

(d) by striking out the definition “**Certified**”;

(e) by inserting the following after “**Gas hose**”:

“**Gas undertaking (natural gas)**: undertaking for the distribution of natural gas.”;

(f) by inserting the following after the definition “**Dirt pocket (dust pocket)**”:

“**Distributor**: undertaking for the distribution of liquefied petroleum gas.”;

(g) by replacing the definition “**Installer**” by the following:

“**Installer**: contractor or owner-builder holding the appropriate licence issued under the Building Act (chapter B-1.1).”;

(6) by revoking Clause 4.2;

(7) by replacing Clause 6.7.2(b) by the following:

“(b) in a chimney, flue, laundry chute, garbage chute or, in the case of an elevator, dumbwaiter or small dumbwaiter, in a sleeve, machine location, machine room, control site or control room;”;

(8) by replacing Clause 6.9.3 by the following:

“6.9.3 Welding of gas piping shall be performed in compliance with a welding method established and complying with Clauses 7.6, 7.7 and 7.11 of CAN/CSA Standard Z662 by a welder holding the appropriate qualification certificate issued under the Act respecting workforce vocational training and qualification (chapter F-5).”;

(9) by inserting the following after Clause 7.1.3:

“7.1.4 Boilers converted to gas shall be in compliance with Clauses 9.4.1 and 9.4.2 of CSA Standard B149.3.”;

(10) by replacing Clause 8.2.1 by the following:

“8.2.1 Subject to the exceptions referred to in the second paragraph and in Clause 8.2.3, an outdoor air supply sized in accordance with Clause 8.2.2 shall be provided to either an enclosure or a structure in which appliances are installed.

Except for boilers, water heaters and pool heaters that include a finned-tube heat exchanger, an outdoor air supply shall not be required in structures built before 1986 where the doors and windows of that structure have not been replaced after 1985 and the volume of the enclosure or the structure in which the appliances are installed is greater than 50 ft³ per 1,000 Btu/h (4.84 m³ per kW) of the total input of all the appliances in the enclosure or the structure.”;

(11) by striking out “and the Structure Complies with Clause 8.2.1 (a) or (b)” and “and Tables 8.3 and 8.4” in the heading of Table 8.1;

(12) by striking out “and the Structure Complies with Clause 8.2.1 (a) or (b)” in the heading of Table 8.2;

(13) by replacing Clause 8.2.3 by the following:

“8.2.3 An outdoor air supply shall not be required for a mechanically vented water heater with an input of 50,000 Btu/h (14.64 kW) or less where there are no other appliances that require an air supply installed in the enclosure or the structure, it is not used to heat the structure, and the volume of the enclosure or the structure is greater than 50 ft³ per 1,000 Btu/h (4.84 m³ per kW) of its input.”;

(14) by revoking Clauses 8.2.4 and 8.2.5 and Tables 8.3 and 8.4;

(15) by striking out in Clause 8.2.6 “, provided that the structure is not constructed as described in Clause 8.2.1(a) and does not comply with Clause 8.2.1(b). Otherwise, the volume of the enclosure shall be used.”;

(16) by striking out the reference to Clause 8.2.4 in Clauses 8.3.1, 8.3.3 and 8.3.4;

(17) by inserting the following after Clause 8.13.3:

“8.13.4 The tables in Annex C shall be used in accordance with the General Venting Requirements (GVR) specified in that Annex.”;

(18) by adding the following paragraph at the end of Clause 8.14.8:

“Notwithstanding paragraph (g), a vent shall not terminate less than 6 feet (1.8 m) under an awning window.”;

(19) by inserting the following after Clause 8.18.23:

“8.18.24 The total length of a vent connector shall comply with that provided for in Table C.9 of Annex C or be sized in accordance with an approved engineering calculation.”;

(20) by replacing “in accordance with Clause 8.2.1” in Clause C.2.2 General Venting Requirements (GVR) of Annex C by “after 1985 or where the doors and windows were replaced after 1985”.

2.13 CSA Standard B149.2 is amended

(1) by replacing Clauses 1.1 and 1.2 by the following:

“1.1 This Code applies to

(a) installations intended to store, handle or transfer liquefied petroleum gas; and

(b) installations intended to use liquefied petroleum gas.”;

(2) in Clause 2

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

“The documents incorporated by reference into this Code are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Code is then the document as adopted by that chapter or regulation.”;

(b) by inserting the following after the reference “NFPA 30B-2011 Code for the Manufacture and Storage of Aerosol Products”:

“NFPA 68, Standard on Explosion Protection by Deflagration Venting, 2013 Edition.”;

(3) in Clause 3

(a) by replacing “The following definitions shall apply in this Code:” after the note by “Unless the context indicates otherwise, the following definitions shall apply in this Code:”;

(b) by replacing the definition “**Approved**” by the following:

“**Approved:** approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition “**Authority having jurisdiction**” by the following:

“**Authority having jurisdiction:** Régie du bâtiment du Québec.”;

(d) by striking out the definition “**Certified**”;

(e) by inserting the following after the definition “**Kiosk**”:

“**Liquefied petroleum gas:** propane, propylene, butanes (normal butane or isobutane), butylene or a mixture of those gases.”;

(f) by replacing the definition “**Installer**” by the following:

“**Installer:** contractor or owner-builder holding an appropriate licence issued under the Building Act (chapter B-1.1).”;

(4) by revoking Clause 4.2;

(5) by revoking Clause 5.2.11;

(6) by replacing Clause 6.5.10.2(c) by the following:

“(c) an explosion relief panel in compliance with standard NFPA 68; or”;

(7) by replacing Clause 7.17.3(e)(iii) by the following:

“(iii) an explosion relief panel in compliance with standard NFPA 68; or”.

2.14. CSA Standard B149.3 is amended

(1) by replacing “**D** (informative)” in “**Annexes**” in the Table of Contents by “**D** (mandatory)”;

(2) by revoking Clause 1.2;

(3) by replacing the first paragraph of Clause 2 by the following:

“The documents incorporated by reference into this Code are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Code is then the document as adopted by that chapter or regulation.”;

(4) in Clause 3

(a) by replacing “The following definitions shall apply in this Code:” after the note by “Unless the context indicates otherwise, the following definitions shall apply in this Code:”;

(b) by replacing the definition “**Approved**” by the following:

“**Approved**: approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition of “**Authority having jurisdiction**” by the following:

“**Authority having jurisdiction**: Régie du bâtiment du Québec.”;

(5) by replacing Clause 5.4.3 by the following:

“5.4.3 When an electronic-type fuel-air ratio control (FARC) system is used, it shall be in compliance with standard ISO 23552-1 or the provisions of Annex D.”;

(6) by replacing “(informative)” in the title of Annex D by “(mandatory)”;

(7) by replacing the note in Annex D by the following:

“**Note**: This Annex is a mandatory part of this Code.”;

(8) by replacing the first two paragraphs of Clause D.2 in Annex D by the following:

“These Guidelines provide a listing of the features that shall be incorporated with electronic-type fuel-air ratio control (FARC) systems.

The provisions shall be satisfied.”

2.15. CAN/CSA Standard Z276 is amended

(1) by replacing “D (informative)” in “Annexes” in the Table of Contents by “D (mandatory)”;

(2) by replacing Clause 1.1 by the following:

“1.1 This Standard applies to fixed and mobile facilities intended for the liquefaction, storage, vaporization, transfer or handling of liquefied natural gas regardless of their locations and for the distribution of the liquefied natural gas.”;

(3) by replacing Clause 1.5 by the following:

“1.5 This Standard includes non-mandatory guidelines for small LNG facilities (see the definition of “small facility” in Chapter 3 and Annex B) and mandatory guidelines for LNG vehicle fuelling stations employed for fleet or public LNG vehicle fuel dispensing operations (see the definition of “fuelling station” in Clause D.2 and Annex D). If Annex D cannot be complied with, the facility shall be approved by the Régie du bâtiment du Québec according to the conditions it sets under sections 127 and 128 of the Building Act (chapter B-1.1).”;

(4) by revoking Clause 1.6;

(5) by replacing the first paragraph of Clause 2 by the following:

“The documents incorporated by reference into this Standard are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Standard is then the document as adopted by that chapter or regulation.”;

(6) in Clause 3

(a) by replacing the first sentence of the Clause by the following:

“Unless the context indicates otherwise, the following definitions shall apply in this Code.”;

(b) by inserting the following definition before “**Authority having jurisdiction**”:

“**Approved**: approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition “**Authority having jurisdiction**” by the following:

“**Authority having jurisdiction**: Régie du bâtiment du Québec.”;

(7) by replacing “informative” in the title of Annex D by “mandatory”;

(8) by replacing the notes in Annex D by the following:

“**Note**: This Annex constitutes a mandatory part of this Standard.”.

2.16. CAN/CSA Standard Z662 is amended

(1) by replacing Clause 1.1 by the following:

“1.1 This Standard covers the design, construction, operation, maintenance, deactivation, and abandonment of intraprovincial gas pipeline systems to the extremity of the operator’s installations, that is, the point where the operator’s piping ends.”;

(2) by replacing the first paragraph of Clause 2.1 by the following:

“The documents incorporated by reference into this Standard are indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Standard is then the document as adopted by that chapter or regulation.”;

(3) in Clause 2.2

(a) by replacing the first sentence of the Clause by the following:

“Unless the context indicates otherwise, the following definitions shall apply in this Code.”;

(b) by striking out the definition “**Construction**”;

(c) by replacing the definition of “**Contractor**” by the following:

“**Contractor**: a contractor or an owner-builder within the meaning of section 7 of the Building Act (chapter B-1.1), who carries out or has carried out construction work covered by this Standard.”;

(d) by adding the following after the definition “**Ductile cast iron**”:

“**Easily accessible**: within reach for the operation, replacement, maintenance or inspection without having to climb, remove an obstacle or use a mobile ladder.”;

(4) by inserting the following after Clause 10.6.4.4:

“10.6.5 Right of way encroachment where high pressure gas pipeline is installed (operated at more than 30% of their SMYS)

10.6.5.1 Except for agricultural work carried out at a maximum depth of 30 cm, no soil disturbance may be carried out in a right of way unless prior written authorization has been obtained from the operator.

For the purposes of this Clause, “soil disturbance” means all work, operations or activities, above ground or underground, causing a movement or a shift of soil or ground cover, including in particular the following activities: excavation, trench, vertical drilling, dethatching, soil levelling, tree planting, soil aeration, mechanical stone collection, rutting and installation of fence posts, bars, rods, stakes or anchors.

10.6.5.2 No building (including a shed) or other object permanently fixed may be erected in a right of way.

10.6.5.3 No flammable material, solid or liquid residue, refuse, waste or effluent may be deposited or stored in a right of way.

10.6.5.4 Except for vehicles travelling on a public road crossing the right of way, only vehicles belonging to an operator or authorized by an operator may travel on that right of way for inspection, maintenance or leak detection purposes.”;

(5) by inserting the following after Clause 12.2:

“12.2.1 The service line of a building shall come out of the ground before entering the building and it shall be equipped with a service shut-off valve outside the building.

However, if the location where the service line comes out of the ground presents a danger and the service line cannot be protected, it shall enter the building below ground level and be equipped with an underground service shut-off valve located outside the building and with another service shut-off valve inside, as near as possible to the foundation wall.

Where buildings are connected by a common underground area, service lines may serve their respective building through the common underground area provided they are equipped with a service shut-off valve identified and connected to a common service line equipped with a main service shut-off valve above ground.

However, an identification indicating the presence of natural gas and the location of the service shut-off valves shall be present outside near the main entrance to each of the buildings served.

12.2.2 The service shut-off valves above ground shall be easily accessible for their operation.

12.2.3 Before supplying gas to an installation, an operator shall affix to the building, above or within a radius of not more than one metre from any service entrance, a distinctive mark visible at all times.”.

DIVISION VIII **INSPECTION FEES**

2.17. A contractor or an owner-builder in gas must pay to the Board, for the inspection of construction work for a gas installation carried out further to the issue of a remedial notice provided for in section 122 of the Building Act (chapter B-1.1), inspection fees of \$156.13 for the first hour or fraction thereof, half of the hourly rate for each half-hour or fraction thereof in addition to the first hour and fees of \$73.46 for each trip.

DIVISION IX **OFFENCE**

2.18. Any contravention of one of the provisions of this Chapter, except the provisions of Division VIII, constitutes an offence.”.

2. The Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) is amended by striking out sections 3.3.3 and 3.3.4.

3. This Regulation comes into force on the forty-fifth day following the date of its publication in the *Gazette officielle du Québec*.

103353

Draft Regulation

Building Act
(chapter B-1.1)

Safety Code

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

The purpose of the draft Regulation is to implement in Chapter III Gas of the Safety Code (chapter B-1.1, r. 3) the recommendations of the task force of the Régie du bâtiment du Québec named “Amendements au Code de sécurité en lien avec le propane”, in particular the obligations for owners to have their installations verified annually, to keep and update a register and, for certain owners, to obtain a risk assessment report for their installations. For certain installations, the requirements have been extended to natural gas. In addition, the draft Regulation integrates in Chapter III Gas of the Safety Code the exemptions provided for in sections 3.3.3 and 3.3.5 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1).

The addition of the new provisions entails additional costs of about \$9.5 million over 5 years for owners of undertakings operating gas installations and requiring an operation permit.

Those costs include in particular the annual verifications made by the owners, the risk assessment reports, the increase of the insurance coverage and the upgrade of regulations to take into account the evolution of practices in Québec.

Further information may be obtained by contacting André Gravel, Director, Direction de l'interprétation et du soutien réglementaire, Régie du bâtiment du Québec, 800, place D'Youville, 15^e étage, Québec (Québec) G1R 5S3; telephone: 418 644-3905; fax: 418 646-9280.

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

LISE THÉRIAULT,
Minister responsible for Consumer
Protection and for Housing

Regulation to amend the Safety Code and the Regulation respecting the application of the Building Act

Building Act
(chapter B-1.1, ss. 175, 176, 176.1, 178, 185, pars 0.1, 5.1, 5.2, 6.1, 22, 33, 36, 37 and 38, and s. 192)

1. The Safety Code (chapter B-1.1, r. 3) is amended by replacing Chapter III by the following:

“CHAPTER III GAS

DIVISION I DEFINITIONS

27. In this Chapter,

“container” means a cylinder, a tank or any other container used to store gas; (*réceptif*)

“gas” means natural gas, biomethane, manufactured gas and mixtures of propane gas and air, propane, propylene, butanes (normal butane or isobutane) and butylenes, and a mixture or a type of those gases; (*gaz*)

“gas installation” means a fixed or mobile installation, including its immediate piping, intended to use, store or distribute gas; (*installation de gaz*)

“natural gas” means natural gas, biomethane, mixtures of propane gas and air and a type or a mixture of those gases; (*gaz naturel*)

“propane” means a liquefied petroleum gas consisting mainly of propane, propylene, butane, butylene, a type or a mixture of those gases; (*propane*)

“trailer” means a vehicle with a chassis supporting a container and that is trailed by another vehicle. (*remorque*)

27.1. In Divisions IV to VI of this Chapter, the terms “appliance”, “air supply”, “cylinder”, “container refill centre”, “combustible”, “enclosure”, “safety limit control”, “point of transfer”, “combustion products”, “tank”, “safety shut-off valve”, “relief valve”, “filling plant”, “structure”, “venting system”, “hose connector” and “hose” have the meaning given to them in CAN/CSA-B149.1: Natural Gas and Propane Installation Code and CAN/CSA-B149.2: Propane Storage and Handling Code, as adopted by Chapter II of the Construction Code (chapter B-1.1, r. 2).

DIVISION II SCOPE

28. Subject to the exemptions provided for in section 29 of the Building Act (chapter B-1.1) and the second and third paragraphs of this section, this Chapter applies to every gas installation, including its surroundings.

However, it does not apply to a gas installation intended to use gas other than an installation used to produce energy, heat or light from a gas.

The following installations are also exempt from the application of this Chapter:

(1) installations intended to store or distribute gas by tank vehicle as long as the tank is not used as a storage tank at the point of use;

(2) installations intended to use gas to ensure the motive power of a vehicle;

(3) installations intended to use gas in a refinery, regardless of its origin, as raw material for the petroleum refining process or for the process of a petrochemical plant;

(4) installations intended to store, in a refinery, gas resulting from the refining of petroleum;

(5) installations intended to store or use gas on boats;

(6) installations intended to use gas as a refrigerant;

(7) installations intended to store gas in underground natural tanks or tanks shaped in the ground; and

(8) installations intended to use or store on the premises gas collected from a disposal site or gas from an anaerobic digester.

DIVISION III REFERENCES

29. In this Chapter, a reference to the standards CSA B108, Compressed Natural Gas Fuelling Stations Installation Code, CSA B149.1, Natural Gas and Propane Installation Code, CSA B149.2, Propane Storage and Handling Code, CSA B149.3, Code for the field approval of fuel-related components on appliances and equipment, CAN/CSA Z276, Liquefied Natural Gas (LNG) - Production, Storage and Handling or CAN/CSA Z662, Oil and Gas Pipeline Systems is a reference to the standard referred to in Chapter II of the Construction Code (chapter B-1.1, r. 2) made under the Building Act (chapter B-1.1).

DIVISION IV GENERAL

30. A gas installation must be used for the purposes for which it was designed and kept in safe and proper working order.

31. A gas installation must be used and serviced so as not to constitute fire, explosion or intoxication hazards.

32. The vicinity of a gas installation must not be modified in such manner that the gas installation does not comply with Chapter II of the Construction Code (chapter B-1.1, r. 2).

33. The necessary corrections must be made to a gas installation if, following intensive use, wear, aging or modifications, the operating conditions have become dangerous.

34. A gas leak may not be detected by means of a match, candle, flame or any other source of ignition.

35. A light, including a flashlight, used to detect a gas leak must be certified as electrical equipment for use in a hazardous location of Class 1, Group II A type, in accordance with Subrule 18-050(2) of the Canadian Electrical Code, as adopted by Chapter V of the Construction Code (chapter B-1.1, r. 2).

36. An electric switch located either in the room or adjacent to an area of gas leakage must not be operated unless it is certified as equipment for use in a hazardous

location of Class 1, Group II A type, in accordance with Subrule 18-050(2) of the Canadian Electrical Code, as adopted by Chapter V of the Construction Code (chapter B-1.1, r. 2).

37. A safety shut-off valve, a safety limit control or a relief valve must not be isolated or be made inoperative.

38. Where there are signs of wear or deterioration or where other damage shows in the reinforcement material of a hose or hose connector, the hose must be replaced immediately.

38.1. A dedicated parking area must be provided for each vehicle equipped with a gas container and intended for the road transportation of gas, including transportation in transit, on the site of a propane filling plant or of an installation independent of a building and intended to store or distribute natural gas.

The parking area must be located in a location different from the location where gas is transferred.

§1. Register

38.2. The owner of a fixed or mobile installation independent of a building and intended to store or distribute gas with transfers of gas must keep in a register or attach to it, as the case may be, the following related documents:

(1) the annual verification reports provided for in section 38.3;

(2) where required under section 74.2, the risk assessment report.

The owner of an installation independent of a building and intended to store or distribute gas with gas transfer must also, except for a propane container refill centre, record and keep in the register provided for in the first paragraph or attach to it, as the case may be, the following information and documents:

(1) the identification of any safety device having interrupted the operation of the installation and the measures taken to remedy the event;

(2) the breakdowns and accidents that occurred while operating the installation;

(3) the history and description of the maintenance, repairs, replacements, including technical bulletins issued by the manufacturer, and alterations made on the site or installation;

(4) any notice or order issued by the Board under the Building Act (chapter B-1.1);

(5) any other relevant information or document in connection with the operation or maintenance of the installation.

The register must be kept on the premises where the installation is operated for consultation by the Board, as long as the installation is not dismantled.

§2. Annual verification

38.3. The owner of a fixed or mobile installation independent of a building and intended to store or distribute gas with gas transfer must have it verified each year by the holder of an appropriate certificate of qualification issued under the Act respecting workforce vocational training and qualification (chapter F-5) or by a contractor holding an appropriate licence in the field of gas issued by the Board.

38.4. Where the holder of a certificate of qualification or the contractor in charge of the verification notices the presence of hazardous conditions, the certificate holder or contractor must so inform the Board.

38.5. The verification report establishing the safety of the installation must contain the following information and documents:

(1) the address of the place where the installation is located;

(2) the name, signature and contact information of the person having carried out the inspection and a copy of his or her certificate of qualification or licence;

(3) the scope of the annual verification and testing made on the safety devices or components by the person who has carried out the verification and tests;

(4) a description of the corrective work required to ensure that the installation is safe, and the schedule recommended for its implementation;

(5) a summary of the report confirming that the installation is not in a dangerous condition and, where applicable, that recommendations have been submitted to the owner concerning ways to correct the defects observed that may contribute to the development of a dangerous condition;

(6) appendices containing photographs, drawings and any other relevant information obtained during the verification, to complete the report.

DIVISION V GAS INSTALLATIONS

39. An appliance must be serviced in accordance with the manufacturer's instructions.

40. An appliance may not be used if damaged by fire, water or an explosion unless it has been verified by a person holding the appropriate certificate of qualification issued under the Act respecting workforce vocational training and qualification (chapter F-5).

41. No appliance may be used in a room where there are corrosive vapours.

42. Appliance clearance must allow the appliance to be serviced without moving it or modifying the building that shelters it or modifying neighbouring equipment.

43. An appliance may be used only if it complies with the provisions of Division V of Chapter II of the Construction Code (chapter B-1.1, r. 2).

44. Where a part of an appliance must be replaced, the replacement part must have the same operational characteristics as the original part.

45. In an enclosure or a structure housing an appliance, the air supply must be sufficient to ensure complete combustion and total venting of combustion products.

46. The air supply of an appliance must be free of any encumbrance.

47. An appliance and its venting system must show sufficient clearance so that the surface temperature of neighbouring combustible materials does not exceed 90 °C.

48. The venting system of an appliance must ensure total venting of combustion products to the outdoors.

49. The piping or tubing system must have a diameter sufficient to convey the required volume of gas at the required pressure.

50. Where no appliance is connected to a piping outlet, the outlet must be tightly plugged or capped.

51. Vehicles equipped with a propane appliance must not be parked or stored inside a building, except if

(1) the propane cylinders are removed; or

(2) the propane tanks have contents in propane of no more than 50% of the maximum filling capacity allowed and all shut-off valves are closed.

DIVISION VI

USE, STORAGE AND DISTRIBUTION OF PROPANE IN CONTAINERS

52. Propane in containers must be used, stored and distributed in accordance with the provisions of CSA Standard B149.2.

53. For the purposes of Clause 6.5 of CSA Standard B149.2, all stored cylinders, whether filled or empty, shall be considered as filled at the maximum filling capacity allowed.

54. Propane that is used, stored or distributed must emit a characteristic odour in accordance with Canadian General Standards Board Standard CAN/CGSB-3.14, Propane for Fuel Purposes.

55. Propane may not be transferred from a vehicle equipped with a gas container to a cylinder in a location other than the location where the cylinder is used.

56. Propane from a vehicle equipped with a gas container may not be transferred into the container of a road vehicle.

57. The tank of the propane supply system of a road vehicle may be filled only if it bears the appropriate sticker mandatory under the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32).

58. Propane may not be transferred from a vehicle equipped with a gas container to a cylinder the total capacity of which is 20 kg of propane on a campground unless, during the transfer, the vehicle

(1) is at a location that has safety installations complying with the provisions of Clause 7.19.4 of CSA Standard B149.2 for tanks; and

(2) is parked in accordance with the distances provided for in Clause 7.16 of CSA Standard B149.2 for tanks.

59. A propane container must be painted.

60. Except in filling plants, propane cylinders must not be stored one stacked over the other.

61. Vehicles used for the transportation of propane and parked at a location other than a location governed by a regulation respecting the transportation of dangerous substances made under the Highway Safety Code (chapter C-24.2) must be parked in accordance with the provisions of Clauses 8.6 to 8.10 of CSA Standard B149.2.

62. Signs bearing the indication or the international symbol “NO SMOKING” must be installed at a conspicuous place in filling plants at every entrance and point of transfer of propane. The letters must be red on a white background or black on a yellow background and be at least 100 mm high. The symbols must have a minimum diameter of 300 mm.

63. Signs must be installed in a conspicuous place on the tank or nearby and at the point of transfer, where propane is transferred more than 3 m from the tank of a propane container refill centre, in a way that they can be seen from that point. The signs must bear the following indications:

(1) “NO SMOKING, TURN OFF ALL SOURCES OF IGNITION” in letters at least 50 mm high;

(2) “TRANSPORT CYLINDERS SECURED IN AN UPRIGHT POSITION IN A VENTILATED SPACE” in letters at least 25 mm high;

(3) “IT IS AN OFFENCE TO FILL PROPANE CYLINDERS AND MOTOR FUEL CONTAINERS IN EXCESS OF 80% CAPACITY BY VOLUME” in letters at least 25 mm high; and

(4) “NO SMOKING WITHIN 3 METRES, TURN IGNITION OFF BEFORE REFUELLING” in letters at least 25 mm high for a propane distribution location for vehicles.

The international symbols for “NO SMOKING” and “TURN OFF IGNITION”, measuring at least 100 mm in diameter, may be used instead of those expressions. The symbols must be red and black on a white background.

The letters on the signs must be red on a white background or black on a yellow background.

63.1. An installation intended to store or distribute propane must be operated and serviced in accordance with the provisions of Clause 7.22 of CSA Standard B149.2.

DIVISION VII

TRANSPORTATION OR DISTRIBUTION OF GAS BY PIPELINE

64. Gas distributed by pipeline must emit a characteristic odour in accordance with the provisions of Clause 4.21 of CAN/CSA Standard Z662.

65. A piped gas undertaking must notify all users affected by an Interruption in service and ensure the safe restoration of service.

66. An installation intended to transport or distribute gas by pipeline must be operated and serviced in accordance with the provisions of Chapter 10 and the provisions of Clauses 12.10 and 15.9 of CAN/CSA Standard Z662.

67. Every piped gas transportation or distribution undertaking must keep up to date the plans of its gas transportation and distribution systems, of its storage facilities, as well as of the location of its valves, regulators and other accessories.

68. Every piped gas transportation or distribution undertaking must send to the Board, within 90 days following the beginning of each fiscal year,

(1) its gas leak detection program for the current year; and

(2) its annual program for the maintenance of its transportation systems, gas distribution networks and storage facilities.

69. Every piped gas transportation or distribution undertaking must send to the Board, within 90 days following the end of each fiscal year,

(1) a report on the state of its transportation or distribution system containing the information referred to in Schedule I in the prescribed form; and

(2) a report of findings on leaks and measures taken to correct them.

DIVISION VIII USE, STORAGE AND DISTRIBUTION OF NATURAL GAS IN CONTAINERS

70. The tank of the natural gas supply system of a road vehicle may be filled only if it bears the appropriate sticker mandatory under the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32).

70.1. Natural gas distributed, except liquefied natural gas distributed, must emit a characteristic odour in accordance with the provisions of Clause 4.21 of CAN/CSA Standard Z662.

71. In a container refill centre for vehicles, natural gas must not be distributed at a pressure in excess of that provided for in Clause 4.4 of Clause 4 of CSA Standard B108.

72. A fixed or mobile installation intended to store or distribute liquefied natural gas must be operated and serviced in accordance with the provisions of Clause 13 of CAN/CSA Standard Z276.

72.1. A fixed or mobile installation intended to distribute liquefied natural gas for vehicles must be operated and serviced in accordance with the provisions of Clauses D.15 and D.16.5 of CAN/CSA Standard Z276.

73. Where natural gas cylinders are filled, stored and used elsewhere than in a refill centre for vehicles, it must be done in accordance with the provisions of Clauses 9.2 to 9.5 of Clause 9 of CSA Standard B149.1.

DIVISION IX OPERATION PERMIT

74. The owner of an installation independent of a building and intended to store or distribute gas must obtain a permit for each place of operation of the installation or for each vehicle intended to distribute gas if the owner has no establishment in Québec.

The owner of an installation independent of a building and intended to store or distribute gas is exempt from the requirement to obtain an operation permit

(1) where butane is stored in cylinders of an individual maximum capacity of 5,3 oz (150 g);

(2) where gas is stored therein in no-refill cylinders the maximum internal volume of which is 75 in³ (1,229 ml); and

(3) where natural gas is distributed through pipelines.

74.1. For the purposes of this Division, the “total capacity” in water, calculated in American gallons (US gal) or in litres, or in mass, calculated in metric tons, for the location of the installation includes, where applicable,

(1) the fixed capacity, namely, the total number of fixed storage tanks and their individual capacity;

(2) the transit capacity, namely, the total number of containers in transit, including tank trucks, trailers, self-supporting tanks and tank cars, and their individual capacity; and

(3) the portable or unconnected capacity, namely, the total maximum number of containers and their individual capacity.

74.2. The owner of an installation independent of a building and intended to store or distribute either propane of more than 5,000 US gal (18,927 litres) in fixed water capacity, or natural gas of 4.5 metric tons or more in total capacity, must obtain a risk assessment report based on the Professional Practice Guide recommended by the Ordre des ingénieurs du Québec or based on CAN/CSA-ISO Standard 31000, Risk management - Principles and guidelines, published by the CSA Group and confirming that the installation is safe in order to obtain an operation permit for that installation.

The report must be drawn up by an engineer within the meaning of the Professional Code (chapter C-26) qualified to do so, who affixes his or her seal, signature and business particulars and must contain the following information and relevant documents:

- (1) the context of the installation and its surroundings;
- (2) risk assessment, that is, the full process of risk identification, risk analysis and risk evaluation;
- (3) risk treatment and, where applicable, the reduction of risk by the recommendation of additional safety measures and a reevaluation of the residual risk;
- (4) the total limit capacity set by the engineer that cannot be exceeded by the owner.

75. The owner who applies for the issue, renewal or modification of an operation permit must provide the Board, on the form provided for that purpose,

(1) the name, domicile address of the owner and, where applicable, the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) in the case of a partnership or a legal person, its name, the address of its head office and the business number referred to in subparagraph 1;

(3) the address of the place of operation of the installation or, if the owner has no installation in Québec, the registration number of the vehicle intended to distribute gas; and

(4) for the place of operation or for each vehicle intended to distribute gas if the owner has no installation in Québec,

(a) the quantity of gas sold in Québec during the preceding fiscal year;

(b) the quantity of gas bought during the preceding fiscal year

- i. in Québec from a refinery;
- ii. from a source of supply outside Québec;
- iii. in Québec elsewhere than from a refinery;

(c) the date on which the place began operating;

(d) the use of the place;

(e) the names of the persons who operate the installation and who hold certificates of qualification issued under the Act respecting workforce vocational training and qualification (chapter F-5);

(f) the fixed, in transit, portable or unconnected capacity and the total capacity of the place;

(g) where a risk assessment report is required, a declaration that the owner obtained such a report;

(h) where a risk assessment report is required, the total limit capacity indicated therein;

(5) in the case of an installation with gas transfer built after (*insert the date of coming into force of this Regulation*) or where an installation with gas transfer has been altered, a certified true copy of the building permit or the authorization certificate issued by the local authority allowing the construction work at the address of the installation covered by the application.

Every application for an operation permit must be accompanied by an attestation that the information and documents provided under the first paragraph are accurate and must be signed by the person filing the application.

76. An application for the issue, renewal or modification of a permit is deemed to be received only if it contains all the required information and documents and includes the fees payable under section 77, if applicable.

76.1. The holder of an operation permit must notify the Board of any change in the information or documents provided under section 75 by filing a permit modification application within 30 days following the change.

The Board must, however, be notified immediately in the case of a change affecting the level of risk determined in the risk assessment report or making it necessary to obtain such a report. A permit modification application must be filed within 30 days following the change.

76.2. In the case of an application for the modification or renewal of a permit, only the changes to the information or documents already filed with the Board must be provided to the Board.

76.3. The Board issues or renews a permit on the following conditions:

(1) the owner provided, as the case may be, the information and documents required under section 75;

(2) the issue or renewal application has been received and the fees payable have been paid to the Board;

(3) the owner complied with all the provisions of this Chapter and those of Chapter II of the Construction Code (chapter B-1.1, r. 2) that apply to the gas installation covered by the permit application;

(4) where applicable, the owner complied after having received a notice or order under the Building Act (chapter B-1.1) or after having been convicted of an offence under any of the provisions of this Chapter or to a supplementary measure required under section 122 of the Building Act (chapter B-1.1).

77. The fee payable for the issue or renewal of an operation permit is \$175.65. Despite the foregoing, the fee is \$51.67 for an installation independent of a building and intended to store or distribute gas in cylinders only and if gas is not transferred there.

78. The operation permit issued by the Board contains

- (1) the name of the owner of the installation or vehicle;
- (2) the address of the place of operation of the installation or the registration number of the vehicle for which the permit is issued;
- (3) the date of issue of the permit;
- (4) the Québec business number referred to in subparagraph 1 or 2 of section 75, as the case may be;
- (5) the total capacity of the installation;
- (6) where a risk assessment report is required, the total limit capacity of the installation.

79. The holder of an operation permit must cease the operation of an installation independent of a building and intended to store or distribute gas in the following cases:

- (1) the holder of the permit increases the total capacity indicated on the permit and exceeds a fixed water capacity of 5,000 US gal (18,927 litres) or a total capacity of 4.5 metric tons or more;
- (2) where a risk assessment report is required, the holder of the permit exceeds the total limit capacity indicated in the report.

80. For an installation to be supplied by the gas undertaking, the holder of an operation permit must post the permit in public view at the place of operation or in the vehicle intended to distribute gas if the permit holder has no establishment in Québec.

81. The term of an operation permit is one year.

82. The application for renewal of an operation permit must be filed with the Board at least 30 days before the expiry date of the permit.

83. An operation permit is non-transferable.

84. An owner who applies for the issue or renewal of an operation permit must obtain and maintain in force, during the entire term of the permit, liability insurance without an expiry date of a minimum amount of \$2,000,000 for an installation independent of a building and intended to store or distribute propane of 5,000 US gal (18,927 litres) in fixed water capacity or less, or natural gas of less than 4.5 metric tons of total capacity and \$10,000,000 for an installation independent of a building and intended to store or distribute propane of more than 5,000 US gal (18,927 litres) in fixed water capacity, or natural gas of 4.5 metric tons or more of total capacity to cover damage caused to another person as a result of fault or negligence in the operation of the installation. The insurance must provide for a commitment by the insurer to inform the Board of the insurer's intention to terminate the contract or modify the status of the policy.

An attestation of the insurer to the effect that the insurance meets the requirements of the first paragraph must be sent to the Board with the application for the issue, modification or renewal of the operation permit

85. The holder of an operation permit must notify the Board in writing of the cancellation of the holder's insurance or of any change made to it.

DIVISION X CONTRIBUTIONS

86. The owner or operator of an undertaking that distributes gas, except the owner or operator referred to in section 87, must pay the Board, each month, an amount \$0.462 per 1,000 m³ of gas sold in Québec.

The volume of gas is based on a higher heating value of 37.89 MJ/m³ adjusted to the absolute pressure of 101.325 kilopascals and a temperature of 15 °C.

An undertaking does not have to pay the monthly fees on the volume of gas bought from an undertaking having paid the fees on the same volume of gas.

87. The wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas sold in Québec must pay the Board, each month, an amount of \$0.896 per 1,000 litres or fraction of 1,000 litres of liquefied petroleum gas sold in Québec

The volume of liquefied petroleum gas is adjusted at a temperature of 15 °C.

For the purposes of this section,

“liquefied petroleum gas sold in Québec” means, in the case of a wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas, the volume of liquefied petroleum gas sold in Québec excluding the volume bought from a wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas;

“wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas” means any person or partnership operating an undertaking for the storage, sale or distribution of liquefied petroleum gas in Québec and buying liquefied petroleum gas from a producer in Québec or from a source outside Québec for resale in Québec.

88. Every gas distribution undertaking must keep an up-to-date list of the names and addresses of its customers.

DIVISION XI OFFENCES

89. Any violation of any of the provisions of this Chapter, except sections 77, 86 and 87, constitutes an offence.”.

2. Schedule I is amended by replacing the part concerning section 69 by the following:

E NOMBRE DE BRANCHEMENTS PAR MATÉRIAUX							
	Diamètre (millimètres)						TOTAL
	21,3 ou moins	Plus de 21,3 à 33,4	Plus de 33,4 à 60,3	Plus de 60,3 à 114,3	Plus de 114,3 à 168,3	Plus de 168,3	
Acier non enrobé							
Acier enrobé							
Cuivre							
Polyéthylène (insertion)							
Polyéthylène							
Autres (spécifiez)							
TOTAL							

F							
Pression d'opération (kilopascals)	0 et 300	301 et 700	701 et 2000	2001 et 4000	4001 et 6000	6001 et plus	TOTAL
Portion du réseau en exploitation entre: (kilomètres)							
Postes de détente dont la pression de sortie est comprise entre: (nombre)							
Robinets de ligne dont la pression de charge est comprise entre: (nombre)							

G		
Gaz perdu en % du volume total de gaz entré pour chacune des 5 dernières années financières en excluant la présente année	IL Y A AN(S)	%
		1
	2	
	3	
	4	
	5	

H	
Gaz perdu pendant la période de 12 mois se terminant avec la présente année financière	%

I		
Nombre de fuites connues dans le réseau à la fin de l'année que vous prévoyez réparer	Conduites principales	
		Branchements

J NOMBRE DE FUTES RÉPARÉES SUR LES INSTALLATIONS SOUTERRAINES DURANT L'ANNÉE							
	Matériaux	Corrosion	Bris de conduites	Causes externes	Défauts de construction	Autres	Total
CONDUITES PRINCIPALES	Acier non enrobé						
	Acier enrobé						
	Aluminium						
	Polyéthylène (insertion)						
	Polyéthylène						
	Autres (spécifiez)						
	Sous-total						
BRANCHEMENTS	Acier non enrobé						
	Acier enrobé						
	Cuivre						
	Plastique (insertion)						
	Plastique						
	Autres (spécifiez)						
	Sous-total						
	TOTAL						

K NOMBRE DE FUTES RÉPARÉES SUR LES CONDUITES PRINCIPALES HORS-TERRE DURANT L'ANNÉE	
Canalisations	
Robinets	
Raccords*	
Régulateurs	
Autres	
TOTAL	

L NOMBRE DE FUTES RÉPARÉES SUR LES BRANCHEMENTS HORS-TERRE DURANT L'ANNÉE	
Canalisations	
Robinets	
Raccords*	
Régulateurs	
Autres	
TOTAL	

* = incluant les tés de branchement, les raccords latéraux et les raccords à chaud.

M				N RECHERCHE DE FUITES		
Fréquence d'inspection de la partie du réseau sous protection cathodique	Fréquence d'inspection par catégorie*			Conduites principales	Pression d'opération	Fréquence*
	Potentiel sol-conduite	Redresseur	Lecture à distance		P opération < 4800Pa - général	
					P opération < 4800Pa - centre-ville	
				P opération ≥ 4800Pa		
				Branchements d'immeuble	Tous	

* = CODE DES FRÉQUENCES D'INSPECTION: 1 (hebdomadaire), 2 (bimensuelle), 3 (mensuelle), 4 (trimestrielle), 5 (semi-annuelle), 6 (annuelle), 7 (autres - précisez), 0 (pas d'inspection)

O RENSEIGNEMENTS GÉNÉRAUX					
Nombre de branchements:	Domestiques:	Commerciaux:	Industriels:	Total:	
Nombre de clients:	Domestiques:	Commerciaux:	Industriels:	Total:	
Vente de gaz (10 ⁶ m ³):	Domestique:	Commerciale:	Industrielle:	Total:	
Achat total de gaz (10 ⁶ m ³):	Total: Usage personnel (10 ⁶ m ³):				
Demande contractuelle quotidienne (10 ⁶ m ³):	Depuis le:				
Consommation horaire maximale de l'année (10 ⁶ m ³):	Date:				
Consommation horaire minimale de l'année (10 ⁶ m ³):	Date:				
Consommation quotidienne maximale de l'année (10 ⁶ m ³):	Date:				
Consommation quotidienne minimale de l'année (10 ⁶ m ³):	Date:				
Consommation mensuelle maximale de l'année (10 ⁶ m ³):	Date:				
Consommation mensuelle minimale de l'année (10 ⁶ m ³):	Date:				
Nombre de branchements inutilisés depuis:	A: 1an	B: 2 ans	C: 3 ans	D: 4 ans	Total
Nombre de branchements sans sortie extérieure:					
Marque d'odorisant utilisée:	Taux d'injection (kg / 10 ⁶ m ³):				
Quantité annuelle d'odorisant utilisée (litres):	Nombre de clients par kilomètre:				
Nombre de fuites par kilomètre*:	Nombre de municipalités desservies:				
Nombre d'employés:	Direction:	Cadres:	Employés de bureau:	Manuels:	

* = nombre de fuites sur les conduites principales (à l'exception des fuites "causes externes") divisé par la longueur totale de conduites principales en kilomètres

P COMMENTAIRES / REMARQUES

Je certifie que les renseignements contenus dans le présent rapport sont exacts

Signature

Date

3. The Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) is amended by revoking out section 3.3.5.

4. This Regulation comes into force on (*insert the date occurring 45 days following the date of publication of this Regulation in the Gazette officielle du Québec*), except section 74.2, made by section 1 of this Regulation, which comes into force on (*insert the date occurring 1 year after the coming into force of this Regulation*).

For the purposes of section 74.2, where an owner has more than 6 existing installations concerned, the risk assessment reports do not all have to be obtained by (*insert the date occurring 1 year after the coming into force of this Regulation*). However, at least 6 installations per year must have been the subject of such a report and all the owner's installations must have been the subject of a report not later than (*insert the date occurring 5 years after the coming into force of this Regulation*).

103352

Draft Regulation

Financial Administration Act
(chapter A-6.001)

Fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug or a stable blood product

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug or a stable blood product, pass by the Institut national d'excellence en santé et en services sociaux and the text of which appears below, may be submitted to the government for approval at the expiry of the period of 45 days following the publication of this notice.

The draft regulation sets out the fees that a manufacturer will have to pay to the Institut national d'excellence en santé et en services sociaux when the manufacturer asks it to conduct a scientific evaluation of a drug or a stable blood product.

This draft regulation will therefore have an impact on manufacturers, who, once the regulation comes into force, will have to pay the Institut national d'excellence en santé et en services sociaux the fees set out therein for the Institut to conduct the said scientific evaluations.

For additional information, please contact:
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Any interested person who wishes to submit comments about this draft regulation is asked to send them in writing, before the expiry of the above-mentioned 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

CARLOS J. LEITÃO,
Minister of Finances,

Regulation respecting the fees payable to the Institut national d'excellence en santé et en services sociaux for the scientific evaluation of a drug or a stable blood product

Financial Administration Act
(chapter A-6.001, s. 83.8)

1. A manufacturer who asks the Institut national d'excellence en santé et en services sociaux to conduct a scientific evaluation of a drug or a stable blood product shall pay the fees set out in Schedule 1.

These fees vary according to the scientific evaluation that the Institut decides to conduct after receiving the request from the manufacturer.

2. As used in this regulation:

“scientific evaluation”: means a structured evaluation, the objective of which is to guide decision-making, of a health technology that can concern both the direct impact of that technology and its indirect and unintentional consequences;

“manufacturer”: means a person or group of persons who manufacture, produce, import or sell, under their name or a brand name, drugs or stable blood products;

“indication”: means the indication for use requested by a manufacturer;

“drug”: means a product that can be entered on the list of medications referred to in section 60 of An Act respecting prescription drug insurance (chapter A-29.01) or on the lists of medications referred to in section 116 of the Act respecting health services and social services (chapter S-4.2) or in section 150 of An Act respecting health services and social services for Cree Native persons (chapter S-5);

“stable blood product”: means an acellular component of blood with the storage characteristics of drugs and that is used to treat certain disorders due to an imbalance in the circulatory system or certain specific diseases.

3. The fees stipulated in this regulation are nonrefundable.

4. The fees stipulated in this regulation are indexed in the manner set out in chapter VIII.1 of the Financial Administration Act (chapter A-6.001).

The Minister of Health and Social Services shall publish the result of the indexation in Part 1 of the *Gazette officielle du Québec*.

5. This regulation shall come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

This regulation does not apply to scientific evaluations in progress on the date it comes into force, regardless of the date of receipt of the requests for these evaluations. It does, however, apply to scientific evaluations to be conducted, regardless of the date of receipt of the requests for these evaluations.

SCHEDULE I*(Section 1)*

FEES PAYABLE FOR THE DIFFERENT SCIENTIFIC EVALUATIONS

Scientific Evaluation		Fee
Health technology evaluated	Type of evaluation	
New drug or new indication for a currently listed drug	First evaluation	\$38,921 per indication
	Reevaluation	\$38,921 per indication
Biosimilar	First evaluation	\$19,460 per submission
	Subsequent evaluation (i.e., addition of an indication)	\$14,595 per submission
	Reevaluation	\$14,595 per submission
Subsequent entry non-biological complex drug	First evaluation	\$19,460 per submission
	Subsequent evaluation (i.e., addition of an indication)	\$14,595 per submission
	Reevaluation	\$14,595 per submission
New strength(s) or new form (s) of a currently listed drug	First evaluation	\$3,892 per submission
	Reevaluation	\$3,892 per submission
New nutritional formula, new dressing or new combination of currently listed drugs	First evaluation	\$5,189 per submission
	Reevaluation	\$5,189 per submission
Diagnostic agent of a currently listed non-proprietary name	First evaluation	\$2,595 per submission
	Reevaluation	\$2,595 per submission
Exemption from the application of the lowest price	Any exemption request	\$6,487 per submission
New stable blood product	First evaluation	\$32,744 per submission
	Reevaluation	\$32,744 per submission

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

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