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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;
- (4) Orders in Council, decisions of the Conseil du trésor and minister’s orders whose publication is required by law or by the Government;
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- (7) any other document whose publication is required by the Government.

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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

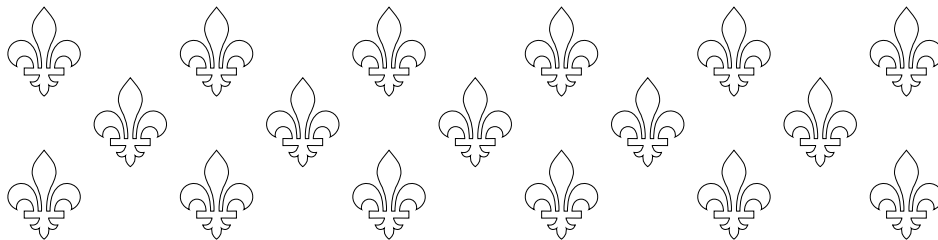
QUÉBEC, 10 MAY 2018

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 10 May 2018*

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

- 171 An Act to enact the Act respecting the implementation of the Canadian Free Trade Agreement and to bring measures relating to contracting by public bodies into compliance with that agreement, the Trade and Cooperation Agreement between Ontario and Québec and the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States

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



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 171
(2018, chapter 10)

An Act to enact the Act respecting the implementation of the Canadian Free Trade Agreement and to bring measures relating to contracting by public bodies into compliance with that agreement, the Trade and Cooperation Agreement between Ontario and Québec and the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States

**Introduced 22 February 2018
Passed in principle 3 May 2018
Passed 10 May 2018
Assented to 10 May 2018**

EXPLANATORY NOTES

This Act enacts the Act respecting the implementation of the Canadian Free Trade Agreement.

The Act also amends the Act respecting contracting by public bodies and certain regulations made under that Act to bring them into compliance with various measures relating to public procurement provided for in the Canadian Free Trade Agreement, the Trade and Cooperation Agreement between Ontario and Québec and the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States.

The Act provides, in particular, for

(1) including leasing contracts among the contracts subject to the conditions established under the Act respecting contracting by public bodies;

(2) applying certain rules to contracts entered into by subsidiaries of public bodies and of government enterprises;

(3) taking options into account in determining the estimated value of a government contract to be entered into; and

(4) enacting or amending rules concerning the qualification of suppliers, service providers and contractors.

Lastly, the Act includes various repealing and consequential provisions as well as transitional measures relating to public calls for tenders and qualification procedures that will begin on or after the coming into force of the provisions concerned of the Act.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting contracting by public bodies (chapter C-65.1);
- Act respecting the Société du Plan Nord (chapter S-16.011);
- Integrity in Public Contracts Act (2012, chapter 25).

LEGISLATION REPEALED BY THIS ACT:

- Act respecting the implementation of the Agreement on Internal Trade (chapter M-35.1.1).

LEGISLATION ENACTED BY THIS ACT:

- Act respecting the implementation of the Canadian Free Trade Agreement (2018, chapter 10, section 1).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (chapter C-65.1, r. 1.1);
- Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2);
- Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4);
- Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5);
- Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1).

Bill 171

AN ACT TO ENACT THE ACT RESPECTING THE IMPLEMENTATION OF THE CANADIAN FREE TRADE AGREEMENT AND TO BRING MEASURES RELATING TO CONTRACTING BY PUBLIC BODIES INTO COMPLIANCE WITH THAT AGREEMENT, THE TRADE AND COOPERATION AGREEMENT BETWEEN ONTARIO AND QUÉBEC AND THE COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT BETWEEN CANADA AND THE EUROPEAN UNION AND ITS MEMBER STATES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ENACTMENT OF THE ACT RESPECTING THE IMPLEMENTATION OF THE CANADIAN FREE TRADE AGREEMENT

1. The Act respecting the implementation of the Canadian Free Trade Agreement, the text of which appears in this chapter, is enacted.

“ACT RESPECTING THE IMPLEMENTATION OF THE CANADIAN FREE TRADE AGREEMENT

“**1.** The purpose of this Act is to implement the Canadian Free Trade Agreement (the Agreement).

“**2.** The Minister responsible for this Act represents Québec on the Committee on Internal Trade.

“**3.** The Government may appoint persons qualified under the Agreement to be registered on the roster of individuals who may act as members of a Presiding Body.

“**4.** The Minister may appoint persons as Québec representatives to committees and working groups established under the Agreement and to any position the Minister considers necessary for the application of the Agreement.

“**5.** For the purpose of suspending benefits with respect to a Party or imposing retaliatory measures of equivalent effect against a Party in accordance with what is provided by the Agreement, the Government may

(1) suspend rights or privileges granted to the Party by the Government under the Agreement;

(2) modify or suspend the application of a measure with respect to the Party; and

(3) extend the application of a measure to the Party.

“Measure” means any law, regulation, directive, requirement, prescription, guideline, program, policy, administrative practice or other procedure.

“6. On being filed with the office of the Superior Court, the certified copy of an order for a Monetary Penalty or for Tariff Costs made by a Presiding Body in a final report has all the effects of a Superior Court judgment that has become final and becomes enforceable 60 days after the date on which it is made.

“7. No judicial proceedings may be brought against persons appointed under section 3 for acts performed in good faith in the performance of their functions as members of a Presiding Body.

“8. The Government designates the Minister responsible for the administration of this Act.”

ACT RESPECTING THE IMPLEMENTATION OF THE AGREEMENT ON INTERNAL TRADE

2. The Act respecting the implementation of the Agreement on Internal Trade (chapter M-35.1.1) is repealed.

CHAPTER II

CHANGES TO THE NORMATIVE FRAMEWORK APPLICABLE TO CONTRACTING BY PUBLIC BODIES

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

3. Section 3 of the Act respecting contracting by public bodies (chapter C-65.1) is amended by inserting the following paragraph after the second paragraph:

“A leasing contract is considered to be a supply contract.”

4. Section 4 of the Act, amended by section 90 of chapter 27 of the statutes of 2017, is again amended

(1) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) subsidiaries of one or more public bodies referred to in subparagraph 4, 5 or 6 of this paragraph;”;

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

“For the purposes of subparagraph 6.1 of the first paragraph, a legal person or partnership controlled by one or more public bodies is a subsidiary of one or more public bodies.

A legal person is controlled by one or more public bodies when the body or bodies hold, directly or through legal persons the body or bodies control, more than 50% of the voting rights attached to the participations of the legal person or when the body or bodies can elect a majority of its directors.

A partnership is controlled by one or more public bodies when the body or bodies hold, directly or through legal persons the body or bodies control, more than 50% of the participations. However, a limited partnership is controlled by one or more public bodies when the body or bodies or a legal person the body or bodies control is the general partner of the partnership.”

5. Section 7 of the Act, amended by section 91 of chapter 27 of the statutes of 2017, is again amended

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

“Government enterprises listed in Schedule 3 to the Financial Administration Act (chapter A-6.001) and their subsidiaries must adopt a contracting policy. Those bodies must make their policy public not later than 30 days after its adoption.”;

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

“For the purposes of the first paragraph, a legal person or partnership that is controlled by one or more government enterprises and does not compete with the private sector is a subsidiary. The fourth and fifth paragraphs of section 4 apply, with the necessary modifications.”;

(3) by replacing “Section” in the third paragraph by “Furthermore, section”.

6. Section 8 of the Act, amended by section 92 of chapter 27 of the statutes of 2017, is again amended by replacing “in any of subparagraphs 2 to 4, 6 and 7 of the first paragraph” in the first paragraph by “in any of subparagraphs 2 to 4 and 6 to 7 of the first paragraph”.

7. Section 10 of the Act is amended by inserting “, including, if applicable, the value of the options,” after “involving an expenditure” in subparagraph 1 of the first paragraph.

ACT RESPECTING THE SOCIÉTÉ DU PLAN NORD

8. Section 13 of the Act respecting the Société du Plan Nord (chapter S-16.011) is repealed.

INTEGRITY IN PUBLIC CONTRACTS ACT

9. Section 94 of the Integrity in Public Contracts Act (2012, chapter 25) is repealed.

REGULATION RESPECTING SUPPLY CONTRACTS, SERVICE CONTRACTS AND CONSTRUCTION CONTRACTS OF BODIES REFERRED TO IN SECTION 7 OF THE ACT RESPECTING CONTRACTING BY PUBLIC BODIES

10. Section 1.2 of the Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (chapter C-65.1, r. 1.1) is amended

(1) by inserting the following subparagraphs after subparagraph 2 of the second paragraph:

“(2.1) the expected duration of the contract or the calendar for the delivery of the goods, the provision of the services or the performance of the construction work;

“(2.2) if applicable, a brief description of the options;”;

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

“For the purposes of this Regulation, “option” means a renewal option or an option concerning, as the case may be, the acquisition of additional goods identical to those initially acquired or the provision of additional services or performance of additional construction work of the same nature as those or that initially required, to the extent that the goods, services or work are or is offered at the same price and intended to fulfil the procurement requirements described under subparagraph 2 of the second paragraph.”

11. Section 1.11 of the Regulation is amended, in the first paragraph,

(1) by replacing “and the period of validity of the list of qualified enterprises or” in subparagraph 1 by “, the period of validity of the list of qualified enterprises and the means used to renew or cancel it or, if the period of validity is not specified, an indication of”;

(2) by replacing “so as to allow the qualification of other enterprises” in subparagraph 3 by “inviting other enterprises to qualify”;

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

“(5) an enterprise may, at any time, apply for qualification, in which case the body qualifies the enterprise within a reasonable time.”

REGULATION RESPECTING CERTAIN SUPPLY CONTRACTS OF PUBLIC BODIES

12. Section 1 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2) is amended by inserting “and to the contract considered as such in accordance with the third paragraph of that section,” after “Act respecting contracting by public bodies (chapter C-65.1)”.

13. Section 4 of the Regulation, amended by section 231 of chapter 27 of the statutes of 2017, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) a brief description of the procurement requirements, the place of delivery and the expected duration of the contract or the calendar for the delivery of the goods;”.

14. Section 7 of the Regulation is amended by replacing “the closing date” in subparagraph 1 of the first paragraph by “subject to the fourth paragraph of section 12, the closing date”.

15. Section 12 of the Regulation is amended by adding the following paragraph at the end:

“A tender received after the closing date and time for receiving tenders may not, for that sole reason, be considered non-compliant if the delay is attributable solely to the public body.”

16. The Regulation is amended by inserting the following chapter after section 32:

“CHAPTER V.1

“QUALIFICATION OF SUPPLIERS

“32.1. When a public body uses a qualification process to qualify suppliers before issuing a call for tenders for a supply contract,

(1) the qualification process must be preceded by a public notice to that effect on the electronic tendering system indicating, with the necessary modifications, the information required under subparagraphs 1, 2 and 4 to 6.1 of the second paragraph of section 4, except the period for receiving applications for qualification that may not be under 25 days following the date of publication of the public notice of qualification, the period of validity of the list of qualified suppliers and the means used to renew or cancel it or, if the period of validity is not specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used;

(2) the list of qualified suppliers must be published on the electronic tendering system and every supplier must be informed of its acceptance for entry on the list or the reason for refusal if entry is denied;

(3) a public notice of qualification must be published again at least once a year inviting other suppliers to qualify during the period of validity of the list;

(4) the public notice of qualification must remain accessible on the electronic tendering system for the entire period of validity of the list; and

(5) a supplier may, at any time, apply for qualification, in which case the public body qualifies the supplier within a reasonable time.

The third paragraph of section 4, the first, third and fourth paragraphs of section 9 and Division II.1 of Chapter II apply, with the necessary modifications, to the qualification of suppliers.

“32.2. When the public body evaluates the quality of applications for qualification, it sets up a selection committee in accordance with the second paragraph of section 24 and applies the evaluation conditions in Schedule 1 or in sections 1 to 7 of Schedule 2.

“32.3. Every supply contract subsequent to the qualification of suppliers under section 32.1 that involves an expenditure equal to or above the public tender threshold must be awarded through a call for tenders open only to qualified suppliers.”

REGULATION RESPECTING CERTAIN SERVICE CONTRACTS OF PUBLIC BODIES

17. Section 1 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) is amended by replacing “under the third paragraph of that section” by “in accordance with the fourth paragraph of that section”.

18. Section 4 of the Regulation, amended by section 236 of chapter 27 of the statutes of 2017, is again amended by inserting “and the expected duration of the contract or the calendar for the provision of the services” at the end of subparagraph 2 of the second paragraph.

19. Section 7 of the Regulation is amended by replacing “the closing date” in subparagraph 1 of the first paragraph by “subject to the third paragraph of section 12, the closing date”.

20. Section 12 of the Regulation is amended by adding the following paragraph at the end:

“A tender received after the closing date and time for receiving tenders may not, for that sole reason, be considered non-compliant if the delay is attributable solely to the public body.”

21. Section 24 of the Regulation is amended by striking out the second and third paragraphs.

22. Section 43 of the Regulation, amended by section 239 of chapter 27 of the statutes of 2017, is again amended, in the first paragraph,

(1) by inserting “, the period of validity of the list of qualified service providers and the means used to renew or cancel it or, if the period of validity is not specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used” at the end of subparagraph 1;

(2) by replacing subparagraph 3 by the following subparagraph:

“(3) a public notice of qualification is published again at least once a year inviting other service providers to qualify during the period of validity of the list;”;

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

“(5) a service provider may, at any time, apply for qualification, in which case the public body qualifies the service provider within a reasonable time.”

23. Section 45 of the Regulation is amended by replacing “public call for tenders only open” by “call for tenders open only”.

REGULATION RESPECTING CONSTRUCTION CONTRACTS OF PUBLIC BODIES

24. Section 4 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5), amended by section 241 of chapter 27 of the statutes of 2017, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) a brief description of the construction work required, the site of the work and the expected duration of the contract or the calendar for the performance of the work;”.

25. Section 7 of the Regulation is amended by replacing “the closing date” in subparagraph 1 of the first paragraph by “subject to the third paragraph of section 15, the closing date”.

26. Section 15 of the Regulation is amended by adding the following paragraph at the end:

“A tender received after the closing date and time for receiving tenders may not, for that sole reason, be considered non-compliant if the delay is attributable solely to the public body.”

27. Section 36 of the Regulation, amended by section 244 of chapter 27 of the statutes of 2017, is again amended, in the first paragraph,

(1) by striking out “pertaining to transport infrastructures” in the introductory clause;

(2) by inserting “, the period of validity of the list of qualified contractors and the means used to renew or cancel it or, if the period of validity is not specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used” at the end of subparagraph 1;

(3) by replacing subparagraph 3 by the following subparagraph:

“(3) a public notice of qualification is published again at least once a year inviting other contractors to qualify during the period of validity of the list;”;

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

“(5) a contractor may, at any time, apply for qualification, in which case the public body qualifies the contractor within a reasonable time.”

28. Section 38 of the Regulation is amended by replacing “public call for tenders open” by “call for tenders open”.

REGULATION RESPECTING CONTRACTING BY PUBLIC BODIES IN THE FIELD OF INFORMATION TECHNOLOGIES

29. Section 1 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1) is amended by replacing “under the third paragraph” in the first paragraph by “in accordance with the fourth paragraph”.

30. Section 4 of the Regulation, amended by section 246 of chapter 27 of the statutes of 2017, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) a brief description of the procurement requirements, the place where the goods are to be delivered and the expected duration of the contract or the calendar for the delivery of the goods or the provision of the services, as the case may be;”.

31. Section 8 of the Regulation is amended by replacing “the closing date” in subparagraph 1 of the first paragraph by “subject to the fourth paragraph of section 26, the closing date”.

32. Section 26 of the Regulation is amended by adding the following paragraph at the end:

“A tender received after the closing date and time for receiving tenders may not, for that sole reason, be considered non-compliant if the delay is attributable solely to the public body.”

33. The heading of Chapter VII of the Regulation is amended by inserting “SUPPLIERS OR” after “OF”.

34. Section 54 of the Regulation, amended by section 250 of chapter 27 of the statutes of 2017, is replaced by the following section:

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

(1) the qualification process is preceded by a public notice to that effect on the electronic tendering system indicating, with the necessary modifications, the information required under subparagraphs 1, 2 and 6 to 10.1 of the second paragraph of section 4, except the period for receiving applications for qualification that may not be under 25 days following the date of publication of the public notice of qualification, the period of validity of the list of qualified suppliers or service providers and the means used to renew or cancel it or, if the period of validity is not specified, an indication of the method used to inform all interested persons of the time as of which that list will no longer be used;

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

(3) a public notice of qualification is published again at least once a year inviting other suppliers or service providers to qualify during the period of validity of the list;

(4) the public notice of qualification remains accessible on the electronic tendering system for the entire period of validity of the list; and

(5) a supplier or service provider may, at any time, apply for qualification, in which case the body qualifies the supplier or service provider within a reasonable time.

The third paragraph of section 4, the first, third and fourth paragraphs of section 11 and Division III of Chapter II apply, with the necessary modifications, to the qualification of suppliers or service providers.”

35. Section 56 of the Regulation is replaced by the following section:

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

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

36. Sections 3, 7, 10, 13 to 15, 18 to 21, 24 to 26 and 30 to 32 apply only to public calls for tenders made through a notice published on or after 10 May 2018.

37. Sections 4 and 5 apply only to public calls for tenders made through a notice published on or after (*insert the date of coming into force of section 90 of chapter 27 of the statutes of 2017*).

38. Sections 11, 16, 22, 27 and 34 apply only to qualification procedures begun on or after (*insert the date of coming into force of section 231 of chapter 27 of the statutes of 2017*).

39. Any contract entered into by a subsidiary referred to in section 4 or 7 of the Act respecting contracting by public bodies (chapter C-65.1) in progress on (*insert the date of coming into force of section 90 of chapter 27 of the statutes of 2017*) is continued in accordance with the Act respecting contracting by public bodies and the regulations made under that Act. If a provision of that Act or those regulations is incompatible with a provision of the contract, the latter provision prevails.

40. This Act comes into force on 10 May 2018, except sections 4 to 6 and 8, which come into force on (*insert the date of coming into force of section 90 of chapter 27 of the statutes of 2017*), and sections 11, 16, 22, 27, 33 and 34, which come into force on (*insert the date of coming into force of section 231 of chapter 27 of the statutes of 2017*).

Regulations and other Acts

Gouvernement du Québec

O.C. 644-2018, 30 May 2018

Education Act
(chapter I-13.3)

Homeschooling

Homeschooling Regulation

WHEREAS, under the first paragraph of section 448.1 of the Education Act (chapter I-13.3), the Government determines, by regulation, standards for homeschooling;

WHEREAS, under subparagraph 4 of the first paragraph of section 15 of the Education Act, as replaced by section 2 of the Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance (2017, chapter 23), a student is exempt from compulsory school attendance to receive homeschooling provided that the conditions and procedures determined by government regulation are complied with;

WHEREAS, under the first paragraph of section 36 of the Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance, the Government must, not later than 1 June 2018, make a first regulation respecting homeschooling;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Homeschooling Regulation was published in Part 2 of the *Gazette officielle du Québec* of 29 March 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the second paragraph of section 36 of the Act to amend the Education Act and other legislative provisions concerning mainly free educational services and compulsory school attendance, the draft Homeschooling Regulation was examined by the Commission de la culture et de l'éducation of the National Assembly on 12 April 2018;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Homeschooling Regulation, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Homeschooling Regulation

Education Act
(chapter I-13.3, s. 15, 1st par., subpar. 4, and s. 448.1)

DIVISION I GENERAL

1. This Regulation determines certain conditions and procedures to be complied with for a student to be excused from compulsory school attendance in order to receive homeschooling, how the Minister is to monitor the homeschooling and how the school board that has jurisdiction is to support the student.

DIVISION II NOTICE

2. The notice referred to in subparagraph *a* of subparagraph 4 of the first paragraph of section 15 of the Education Act (chapter I-13.3) must provide

- (1) the student's name, address and date of birth;
- (2) the name, address and telephone number of the student's parents; and
- (3) if applicable, the date on which the student stopped or will stop attending an educational institution and the permanent code assigned to the student by the Ministère de l'Éducation, du Loisir et du Sport.

The notice sent to the Minister must also specify the student's school board and, if different, the school board to which the notice of choice of school board is sent in accordance with the law.

The Minister is to provide a form the parents may use for the purposes of the notice.

3. The notice must be sent to the Minister and the school board that has jurisdiction

- (1) on or before 1 July of each year; or
- (2) if the student stops attending an educational institution at any time during a school year, within 10 days of that time.

The Minister acknowledges receipt of the notice in writing within 15 days.

DIVISION III **LEARNING PROJECT**

§1. Form and content of the learning project

4. The student's learning project must

(1) provide for the application of the programs of study established by the Minister under section 461 of the Act, include the activities or content prescribed by the Minister in the broad areas of learning the Minister establishes under that section, and provide for the taking of the examinations imposed by the Minister under the first paragraph of section 463 of the Act and by the school board that has jurisdiction under the second paragraph of section 231 of the Act, on the basis of what would be included in the educational services received by the student if the student were attending a school; or

(2) otherwise consist of varied and stimulating activities conducive to the acquisition of a body of knowledge and skills, including the learning of the French language, another language and mathematics as well as at least one subject belonging to each of the following areas of learning:

- (a) mathematics, science and technology;
- (b) arts;
- (c) human development;
- (d) in the case of a student who is 9 years of age on the date of the beginning of implementation of the learning project, social sciences.

5. The parents must send to the Minister a document describing the student's learning project

- (1) on or before 30 September of each year; or
- (2) if the student stops attending an educational institution at any time during a school year, within 30 days of that time.

The document must set forth in particular,

- (1) a description of the chosen educational approach;
- (2) a brief description of the activities chosen to support the learning of the French language, another language and mathematics;
- (3) the other subjects that will be taught and a brief description of the activities chosen for that purpose;
- (4) the other knowledge and skills to be acquired and a brief description of the activities chosen for that purpose;
- (5) the educational resources that will be used;
- (6) an approximate plan of the time to be allocated to the learning activities;
- (7) the names and contact information of every organization that will be contributing to the student's learning and a description of the extent of the contribution;
- (8) how the student's progress is to be evaluated; and
- (9) the last level of educational services received by the student from an educational institution.

6. The Minister is to provide assistance to the parents if they so require to develop the learning project.

7. The Minister examines the learning project submitted. The parents must send to the Minister any information or document relevant to that examination.

If the learning project does not comply with the applicable conditions and procedures, the Minister is to so inform the parents in writing, giving reasons. The Minister's notice must contain recommendations appropriate to remedying the situation.

The parents must submit a new learning project to the Minister within 30 days after receiving such a notice.

8. The Minister may, at the request of the parents of a handicapped student or a student with social maladjustments or learning disabilities, excuse the student from part of the provisions of section 4.

§2. Implementation of the learning project

9. The parents must implement the student's learning project

- (1) on or before 30 September of each year; or
- (2) if the student stops attending an educational institution at any time during a school year, within 30 days of that time.

10. The parents may make any change they consider relevant to the learning project submitted.

They must inform the Minister of any substantial change made to the learning project within 15 days.

11. The parents must prepare a written status report on the implementation of the learning project and send it to the Minister at a time between the third and fifth month after the beginning of implementation of the learning project.

The report must describe the learning activities completed by subject, the approximate time allocated to them and, if applicable, any change made to the learning project.

Despite the first paragraph, where a student stops attending an educational institution between 1 January and 31 March, the report must be sent not later than 15 June after the beginning of implementation of the learning projects. Where a student stops attending such an institution after 31 March, the report is optional.

12. The parents are to attend a monitoring meeting while the student's learning project is being implemented. They may be accompanied by a person of their choice at the meeting.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and procedure of the meeting at least 15 days before it is to be held.

§3. Problem in implementing the learning project

13. If a problem arises in implementing the student's learning project, the parents are to attend a meeting for the purpose of finding a solution to the problem. They may be accompanied by a person of their choice at the meeting.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and procedure of the meeting at least 15 days before it is to be held.

14. The Minister is to provide assistance to the parents if a problem arises in implementing the learning project and submit recommendations to the parents that are conducive to remedying the situation.

DIVISION IV

EVALUATION OF THE STUDENT'S PROGRESS

15. The parents must monitor the student's progress during the learning project using one or more evaluation methods chosen from among the following:

(1) an evaluation by the school board that has jurisdiction, including an examination it imposes under the second paragraph of section 231 of the Act, conducted according to the procedure it determines;

(2) an evaluation by a private educational institution governed by the Act respecting private education (chapter E-9.1), conducted according to the procedure it determines;

(3) an evaluation by a holder of a teaching licence;

(4) an examination imposed by the Minister under the first paragraph of section 463 of the Act and administered by the school board that has jurisdiction; or

(5) a portfolio submitted to the Minister.

Subparagraphs 1 to 3 of the first paragraph may not be construed as restricting the methods of evaluation to those generally used in the school setting, such as summative evaluations.

16. The parents are to prepare two written reports on the student's progress and send them to the Minister at the following times:

(1) a mid-term report at a time between the third and fifth month after the beginning of implementation of the learning project; and

(2) a completion report not later than 15 June after the beginning of implementation of the learning project.

Both reports must show the student's learning progress and indicate the evaluations conducted to assess it. If applicable, the portfolio must be sent with the completion report.

Despite the first paragraph, where a student stops attending an educational institution after 31 December, the mid-term report is optional.

Parents may, while complying with the applicable periods, send the report referred to in section 11 and a report on the student's learning progress at the same time and using only one document.

17. The Minister examines the reports on the student's learning progress, taking into account the student's ability and learning project. The parents must send to the Minister any information or document relevant to that examination.

If a report does not allow the student's progress to be adequately assessed, the Minister must so inform the parents in writing, giving reasons. The Minister's notice must contain appropriate recommendations to remedy the situation and also mention that a request may be made to the Minister to have the Minister evaluate the student's progress.

Within 30 days after receiving such a notice, the parents must provide the Minister with a new report on the student's progress, or request the Minister to evaluate the student's progress.

18. If the student is not making adequate progress, the parents and the student are to attend a meeting intended to more clearly identify the shortcomings and how to deal with them. They may be accompanied by a person of their choice at the meeting.

Such a meeting may be held using any means of communication allowing all participants to immediately communicate with the others.

The Minister must inform the parents in writing of the time and procedure of the meeting at least 15 days before it is to be held.

19. The Minister is to ensure that the parents are informed of the standards and procedures for the examinations that may be imposed by the Minister under the first paragraph of section 463 of the Act and for the certification of studies.

DIVISION V **SCHOOL BOARD SUPPORT**

20. The school board that has jurisdiction must provide the student receiving homeschooling, at the request of the parents and on the conditions it determines, with access, free of charge, to the textbooks approved by its school principals under subparagraph 3 of the first paragraph of section 96.15 of the Act that are required for the teaching of a program of studies to be used as part of the student's learning project or a subject within the project. The student is to have personal use of the textbooks.

The school board must also, at the request of the parents, provide the student, subject to availability and on the conditions it determines, with access, free of charge, to

the instructional material that is offered free of charge by the school board to the students within its jurisdiction, is approved by its school principals under subparagraph 3 of the first paragraph of section 96.15 of the Act, and is required for the teaching of a program of studies to be used as part of the student's learning project or a subject within the project.

21. The school board that has jurisdiction must provide the student receiving homeschooling, at the request of the parents and on the conditions it determines, with free access to student support services for the use of the documentary resources of the school library, academic and career counselling and information, psychological services, psychoeducational services, special education services, remedial education services and speech therapy services.

Those services are accessible subject to their availability and the needs of the student.

22. The school board that has jurisdiction must provide the student receiving homeschooling, subject to availability and on the conditions it determines, with free access to

(1) the library of at least one of its schools and the reference and reading material in it;

(2) the science laboratory of at least one of its schools and the related material and equipment used in the laboratory;

(3) the computer laboratory of at least one of its schools and the related material and equipment used in the laboratory;

(4) the auditorium and art rooms of at least one of its schools and the related material and equipment used in the laboratory; and

(5) the sports and recreational facilities of at least one of its schools and the related material and equipment used in the facilities.

23. The school board must take the necessary measures to allow a student receiving homeschooling to sit for any examination the school board imposes under the second paragraph of section 231 of the Act.

The school board must also take the necessary measures to ensure that a student receiving homeschooling and who is eligible to sit for an examination imposed by the Minister under the first paragraph of section 463 of the Act may be present at an examination sitting held in one of its rooms.

The taking of examinations and preparatory activities are free of charge.

24. Parents who make a request under section 20 or 21 must provide the school board that has jurisdiction with the student's learning project.

DIVISION VI TRANSITIONAL AND FINAL

25. Despite section 3 of this Regulation, for the year 2018, the date provided for in subparagraph 1 of the first paragraph of that section is deemed to be 1 September.

26. This Regulation comes into force on 1 July 2018.

103515

Gouvernement du Québec

O.C. 659-2018, 30 May 2018

Health Insurance Act
(chapter A-29)

Forms and statements of fees under the Act — **Amendment**

CONCERNING the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act

WHEREAS, section 2.0.13 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), provides that the Régie de l'assurance maladie du Québec (hereinafter "the Board") may require, from every person filing an application under a provision of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the Health Insurance Act (chapter A-29), the Act respecting prescription drug insurance (chapter A-29.01) or their regulations that the person use the appropriate form provided by the Board and that the person provide the information and documents necessary to the processing of the application;

WHEREAS, under subparagraph (b) of the first paragraph of section 72 of the Health Insurance Act, the Board may, by regulation, prescribe the cases in and conditions according to which a mandatary may claim fees from the Board on behalf of a professional in the field of health, the information, and the tenor of the documents pertaining to the claim that the professional must file with the Board and preserve, together with the time for which such documents must be kept;

WHEREAS, under the second paragraph of section 72 of that Act, such a regulation must be approved by the Government before coming into force;

WHEREAS the Board has made the Regulation respecting forms and statements of fees under the Health Insurance Act (chapter A-29, r. 7) and that it has been approved by the Government;

WHEREAS the Board made, on 4 October 2017, by resolution CA-521-17-55, the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act;

WHEREAS, in accordance with sections 10 et 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act was published in Part 2 of the of the *Gazette officielle du Québec* of 20 December 2017, with notice that it could be submitted for approval by the Government on the expiry of the 45-day period following that publication;

WHEREAS it is expedient to approve this Regulation without any amendments;

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

THAT the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting forms and statement of fees under the Health Insurance Act

Health Insurance Act
(chapter A-29, s. 72)

1. The Regulation respecting forms and statements of fees under the Health Insurance Act (chapter A-29, r. 7) is amended by replacing its title with the following:

“REGULATION RESPECTING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF HEALTH INSURANCE CARDS AND THE TRANSMITTAL OF STATEMENTS OF FEES AND CLAIMS”

2. Section 3 of the Regulation is amended:

(1) by deleting subparagraphs *b*, *c*, *d* and *i*;

(2) by replacing subparagraph *g* with the following:

“(g) “manual” means the documentation published by the Board that establishes the technical specifications necessary to bill it by electronic means;”

3. Section 5 of the Regulation is amended by replacing “in accordance with the form and tenor of Form 2” with “, using the form it provides for this purpose”.

4. Section 9 of the Regulation is replaced with the following:

“**9.** Subject to section 9.4.1, statements of fees and claims from professionals in the field of health must be submitted to the Board using the form it provides for this purpose or in accordance with Division VIII of this Regulation.”.

5. Sections 9.1 to 9.4 of the Regulation are revoked.

6. Section 10 of the Regulation is replaced with the following:

“**10.** Every professional in the field of health must sign his statements of fees or claims and any document related thereto, and certify that he personally provided the services listed on his statements of fees or claims. In the case of a pharmacist who has not personally provided the services listed on his claims and any related document, he must certify that such services were legally provided by one of his employees.

However, using the form the Board provides for this purpose, a professional in the field of health may authorize one or more mandataries to sign, on his behalf and in his name, his statements of fees or claims and any related document, including any notice of change of address, certify that the services listed on any statement of fees or claim and on any related document were provided by the mandator himself, and receive from the Board any information he may require respecting the statements of fees or claims that he is hereby authorized to sign. In the case of a pharmacist who did not personally provide the services listed on the claim or related documents, the mandatory is authorized to certify that such services were provided legally by an employee of the pharmacist.

The statements of fees or claims submitted by a professional in the field of health for services rendered in an establishment and remunerated on other than on a fee-for-service basis must be countersigned by a person duly authorized by the establishment where this professional in the field of health provided the services. A professional in the field of health may not countersign his statements of fees or claims.”.

7. Section 11 of the Regulation is revoked.

8. Division VI of the Regulation is revoked.

9. The title of Division VIII of the Regulation is amended by replacing “MAGNETIC RECORDING AND TELECOMMUNICATIONS” with “ELECTRONIC MEANS”.

10. Section 15 of the Regulation is replaced with the following:

“**15.** A professional in the field of health or group of professionals in the field of health wishing to submit statements of fees or claims to the Board by electronic means must, beforehand, send the Board an application for accreditation, using the form the Board provides for this purpose.

For the purposes of this division, a group of professionals in the field of health is one that is duly constituted by the Board following a request submitted to it, using the form it provides for this purpose.

The Board shall consider each application for accreditation and send its decision to the applicant in writing. An application for accreditation shall be accepted if the applicant meets the requirements of sections 16 and 18.

Where an application for accreditation is submitted to the Board by a group of professionals in the field of health and where the Board accepts the application, each of the professionals in the field of health who is a member of the accredited group is deemed to be an accredited professional in the field of health and all of the provisions of this division will apply to him with the necessary modifications.”.

11. Section 16 of the Regulation is amended:

(1) by deleting “duly constituted under Form 7”;

(2) by replacing “a duly completed mandate drawn up as in Form 23” with “a mandate in compliance with the form the Board provides for this purpose”.

12. Section 18 of the Regulation is amended by replacing the second paragraph with the following:

“A group of professionals in the field of health must attach to its application for accreditation a copy of the application for constitution form referred to in the second paragraph of section 15 and, where applicable, a copy of the form referred to in the second paragraph of section 10 authorizing a mandatory to sign the billing statements of members of the group.”.

13. Section 19 of the Regulation is replaced with the following:

“19. An accredited professional in the field of health must always record in a billing statement the information contained in each of the statements of fees and claims that he submitted to the Board, or that were submitted in his name to the Board, by electronic means. The signatures and certifications provided for in section 10 must then be affixed to this billing statement.”

14. Section 26 of the Regulation is amended by replacing, in the fourth paragraph, “magnetic recording media or telecommunications” with “electronic means”.

15. Section 27 of the Regulation is revoked.

16. Section 28 of the Regulation is replaced with the following:

“28. The statements of fees or claims submitted to the Board by electronic means must include the information required in the form referred to in section 9 and in the manual, except for the signatures and certifications specified in section 10.”

17. Section 28.1 of the Regulation is amended by replacing, in the second paragraph, “magnetic recording media or telecommunications” with “electronic means”.

18. Section 29 of the Regulation is amended:

(1) by replacing, in the first paragraph, “The magnetic recording media” with “The electronic means”;

(2) by deleting the third and fourth paragraphs.

19. Sections 31 and 33 of the Regulation are revoked.

20. Section 34 of the Regulation is replaced with the following:

“34. Any insured person who is entitled to insured medications and who wishes the Board to assume the cost of exceptional medications determined by regulation must submit to the Board an application for authorization, using the form the Board provides for this purpose. However, a prescriber may submit such a form to the Board on behalf of an insured person.”

21. The Regulation is amended by deleting, after SCHEDULE I, Forms 1 to 31.

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

Gouvernement du Québec

O.C. 699-2018, 6 June 2018

Environment Quality Act
(chapter Q-2)

Recover and reclaim residual materials — Compensation for municipal services — Amendment

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

WHEREAS, under the third paragraph of section 53.31.2 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, as regards one or more designated materials or classes of materials, specify which persons from among the persons referred to in subparagraph 6 of the first paragraph of section 53.30 are required to pay a compensatory contribution as compensation to the municipalities;

WHEREAS, under the first paragraph of section 53.31.3 of the Act, the annual compensation owed to the municipalities is based on the cost of the services they provide during a year to deal with the materials or classes of materials subject to compensation, that is, the collection, transportation, sorting and conditioning costs, including an indemnity for the management of those services;

WHEREAS, under the second paragraph of section 53.31.3 of the Act, the Société québécoise de récupération et de recyclage determines annually the amount of the compensation, by calculating for each municipality, in accordance with the calculation method and the performance and effectiveness criteria determined by regulation of the Government, the costs of the services provided that are eligible for compensation and the management indemnity to which the municipality is entitled, and by aggregating all the costs and fees calculated for the municipalities;

WHEREAS, under section 53.31.5 of the Act, the amount of the annual compensation owed to the municipalities under section 53.31.3 is divided among the materials or classes of materials subject to compensation, according to the share allotted to each by order of the Government and the Government may, by regulation and for every material or class of materials it specifies, set the maximum amount of the annual compensation payable and limit the amount of the annual compensation payable to a percentage it sets;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, as it read before 23 March 2018, a draft Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials was published in Part 2 of the *Gazette officielle du Québec* of 6 December 2017 with a notice that it could be made by the Government on the expiry of 60 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 Sustainable Development, the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

Environment Quality Act
(chapter Q-2, ss. 53.31.2, 53.31.3 and 53.31.5)

1. The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) is amended in section 3 by inserting the following after the second paragraph:

“Where the first supplier in Québec is the operator of a retail outlet supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the payment may be required from the franchisor, owner of the chain, banner or group concerned or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec.”.

2. Section 4 is amended

(1) by replacing “the chain, banner” in paragraph 2 by “the chain or banner”;

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

“(3) where a retail outlet having a total area equal to or greater than 929 m² is not operated as a franchise or a chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, the contribution for containers or packaging added at the single retail outlet is payable by the owner or, if the owner has no domicile or establishment in Québec, by the owner’s representative in Québec.”.

3. Section 6 is amended by inserting the following after the second paragraph:

“Where the first supplier in Québec is the operator of a retail outlet supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the payment may be required from the franchisor, owner of the chain, banner or group concerned or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec.”.

4. Section 8.4 is amended by replacing the last paragraph by the following:

“Despite the foregoing, the costs eligible for compensation for the services provided by a municipality may in no case be lower than 70% of the net costs declared by the municipality under section 8.6 if the territory of that municipality is located 400 km or more from the territory of Ville de Montréal or Ville de Québec.”.

5. Section 8.9.1 is amended by replacing the second paragraph by the following:

“For the years 2015, 2016 and 2017, the shares applicable are the following:

- (1) 71.9% for containers and packaging;
- (2) 19.4% for printed matter;
- (3) 8.7% for newspapers.

For the year 2018 and for subsequent years, the shares applicable are the following:

- (1) 70.8% for containers and packaging
- (2) 20.9% for printed matter;
- (3) 8.3% for newspapers.”.

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

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

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