Gazette officielle du Québec

Part 2

No. 31
1 August 2018

Laws and Regulations

Volume 150

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) and the Regulation respecting the *Gazette officielle du Québec* (chapter C-8.1.1, r. 1). Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday. Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available at noon each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

The *Gazette officielle du Québec* published on the Internet is available to all free of charge.

Contents

Part 2 contains:

(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;

(5) regulations made by courts of justice and quasi-judicial tribunals;

(6) drafts of the texts referred to in paragraphs 3 and 5 whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and

(7) any other document whose publication is required by the Government.

Rates*

1. Annual subscription:

	Printed version
Partie 1 "Avis juridiques":	$508
Partie 2 "Lois et règlements":	$696
Part 2 "Laws and Regulations":	$696

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: $10.88 per copy.

3. Publication of a notice in Partie 1: $1.75 per agate line.

4. Publication of a notice in Part 2: $1.16 per agate line. A minimum rate of $254 is applied, however, in the case of a publication of fewer than 220 agate lines.

*** Taxes not included.**

General conditions

The Division of the *Gazette officielle du Québec* must receive manuscripts, **at the latest, by 11:00 a.m. on the Monday** preceding the week of publication. Requests received after that time will appear in the following edition. All requests must be accompanied by a signed manuscript. In addition, the electronic version of each notice to be published must be provided by e-mail, to the following address: gazette.officielle@cspq.gouv.qc.ca

For information concerning the publication of notices, please call:

Gazette officielle du Québec
1000, route de l'Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 644-7794
Fax: 418 644-7813
Internet: gazette.officielle@cspq.gouv.qc.ca

Subscriptions

For a subscription to the paper version of the *Gazette officielle du Québec*, please contact the customer service.

Les Publications du Québec
Customer service – Subscriptions
1000, route de l'Église, bureau 500
Québec (Québec) G1V 3V9
Telephone: 418 643-5150
Toll free: 1 800 463-2100
Fax: 418 643-6177
Toll free: 1 800 561-3479

All claims must be reported to us within 20 days of the shipping date.

Table of Contents

Page

Acts 2018

Regulations and other Acts

Treasury Board

PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 12 JUNE 2018

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 12 June 2018

This day, at forty minutes past five o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

140 An Act respecting the services available to a former Prime Minister

150 An Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (*modified title*)

157 An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions

170 An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages

176 An Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 140
(2018, chapter 17)

An Act respecting the services available to a former Prime Minister

Introduced 5 December 2017
Passed in principle 14 February 2018
Passed 12 June 2018
Assented to 12 June 2018

Québec Official Publisher
2018

EXPLANATORY NOTES

This Act amends the Executive Power Act to define the services available to a former Prime Minister. To that end, it describes those services and specifies how long they may be provided.

LEGISLATION AMENDED BY THIS ACT:

– Executive Power Act (chapter E-18).

Bill 140

AN ACT RESPECTING THE SERVICES AVAILABLE TO A FORMER PRIME MINISTER

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EXECUTIVE POWER ACT

1. The Executive Power Act (chapter E-18) is amended by inserting the following division after section 11:

"**DIVISION II.0.1**

"SERVICES AVAILABLE TO A FORMER PRIME MINISTER

"**11.0.1.** The following services are available to a former Prime Minister for one year after he leaves office:

(1) protection provided in the territory of Québec by a person designated by the Minister of Public Security, and a vehicle provided by the Government;

(2) protection provided by a person designated by the Minister of Public Security during a mission outside Québec sent on behalf of the Government, if the threat assessment of the Minister of Public Security warrants it;

(3) continued use of the security and video surveillance systems for his residence, connected to the Sûreté du Québec's surveillance station; and

(4) administrative support comprising solely

(*a*) an office with a usable area of not more than 100 m^2, provided by the Société québécoise des infrastructures;

(*b*) office and mobile telephone furniture, supplies and equipment corresponding to government standards, provided by the Ministère du Conseil exécutif; and

(*c*) one or two persons of his choice, whose combined annual remuneration may not exceed the salary to which a political attaché is entitled at the maximum of the salary scale applicable to that position according to the scales determined by the Conseil du trésor in accordance with section 11.6, remunerated from an envelope reserved out of the maximum payroll authorized for the remuneration of the sitting Prime Minister's entire office staff.

The period during which the services described in the first paragraph are available to a former Prime Minister is extended by three months, up to a total of one year, for each complete year he served as Prime Minister. If the period during which the former Prime Minister held office includes a fraction of a year, the extension for that fraction is calculated in proportion to the number of days it comprises.

"**11.0.2.** The services described in subparagraph 4 of the first paragraph of section 11.0.1 are available to a former Prime Minister to ensure a transition after he leaves his former office as Prime Minister and to allow him to fulfill requests related to that office, particularly for educational, social, documentary or historical purposes. The services may not be used for personal, professional or partisan purposes.

For the purposes of subparagraph 4 of the first paragraph of section 11.0.1, the one-year period provided for in that section begins three months after the former Prime Minister leaves office or, if it is earlier, on the date on which any of the elements of administrative support mentioned in that subparagraph is first made available to the former Prime Minister. If the former Prime Minister remains a leader of a parliamentary group within the meaning of the Standing Orders of the National Assembly, the period begins, in the same manner, when the former Prime Minister leaves office as leader of such a parliamentary group.

"**11.0.3.** The services mentioned in subparagraphs 1 and 3 of the first paragraph of section 11.0.1 may be made available to the former Prime Minister for a period exceeding the period provided for in that section if the threat assessment of the Minister of Public Security warrants it.

"**11.0.4.** According to the means available, reception and support services are also available to a former Prime Minister during a mission outside Québec, on behalf of the Government or at the sitting Prime Minister's request, to Canadian provinces or territories or to States where Québec is represented."

FINAL PROVISION

2. This Act comes into force on 12 June 2018.

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 150
(2018, chapter 18)

An Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions

Introduced 31 October 2017
Passed in principle 15 February 2018
Passed 12 June 2018
Assented to 12 June 2018

Québec Official Publisher
2018

EXPLANATORY NOTES

This Act amends the Highway Safety Code to allow certain road vehicle owners to apply for a registration plate bearing a personalized number. Under the Act, the validity of the registration certificate of a road vehicle is made permanent provided the road vehicle is owned by the same person, driver's licences and the authorizations to put a road vehicle into operation are renewed automatically, the payment of duties for a driver's licence and the payment of duties and fees for the registration of a road vehicle are synchronized, and the Société de l'assurance automobile du Québec is allowed to send and receive documents by means of information technologies, including in connection with the registration of road vehicles and driver's licences.

The Tax Administration Act is amended to allow information to be sent to the Commission des normes, de l'équité, de la santé et de la sécurité du travail, the Minister of Families, the Minister of Tourism and the Ethics Commissioner. In addition, Revenu Québec is allowed to establish and implement a financial compensation program for organizations participating in the Volunteer Program.

The Tax Administration Act and the Act respecting the Québec sales tax are amended to provide for a technological solution that exploits the possibilities regarding recording sales in the remunerated passenger transportation sector. These Acts are also amended to make amendments that deal with the application of the tax on lodging with respect to businesses operating a digital platform offering accommodation units.

The Tax Administration Act and the Act respecting the Québec sales tax are amended to require suppliers who do not carry on a business in Québec and do not have a permanent establishment in Québec to register with Revenu Québec, through a new registration system, for the purpose of collecting and remitting the Québec sales tax applicable to their taxable supplies of incorporeal movable property and services made in Québec to Québec consumers.

In addition, in the case of suppliers situated in Canada who do not carry on a business in Québec and do not have a permanent establishment in Québec, the registration requirement will also apply for the purpose of collecting and remitting the Québec sales tax in respect of taxable supplies of corporeal movable property made in

Québec to Québec consumers. The obligations arising from the implementation of the new registration system will apply to the digital platforms that enable suppliers situated outside Québec to make taxable supplies of incorporeal movable property and services to Québec consumers.

The Act respecting tourist accommodation establishments is amended to allow the Government to exempt certain types of residence, in accordance with the terms prescribed by regulation, from certain provisions of that Act and to entrust Revenu Québec with inspection and investigation powers in tourist accommodation matters.

The Act respecting the Institut de tourisme et d'hôtellerie du Québec is amended to increase the minimum and maximum numbers of directors, further define the composition of the board of directors, extend to three years the term of the directors, who may be reappointed only twice for a consecutive or non-consecutive term, allow the institute to establish a college centre for technology transfer with the authorization of the minister responsible for general and vocational colleges, provide that the staff members of the institute will no longer be public service employees and will be appointed in accordance with a staffing plan, and allow the minister responsible for that Act to authorize the institute to award the degrees, diplomas, certificates or other attestations of university studies to which a university-level program leads.

The Government may determine the additional information that must be provided in the application form for registration in the land register of a deed evidencing the transfer of an immovable and the transmission of a compilation of that information to the Minister of Finance for the development by that Minister of economic, fiscal, budgetary and financial policies.

The Financial Administration Act is amended to allow the Minister of Finance to carry out certain financial transactions where the Minister deems it advisable for the sound and efficient management of the financial business of bodies or categories of bodies designated by the Government.

The Act to establish the Fund for the Promotion of a Healthy Lifestyle is repealed and the financing of the Sports and Physical Activity Development Fund that is derived from the proceeds of the tobacco tax is increased.

Lastly, the Act contains consequential and transitional provisions necessary for its application.

LEGISLATION AMENDED BY THIS ACT:

– Financial Administration Act (chapter A-6.001);

– Tax Administration Act (chapter A-6.002);

– Highway Safety Code (chapter C-24.2);

– General and Vocational Colleges Act (chapter C-29);

– Act respecting duties on transfers of immovables (chapter D-15.1);

– Act respecting tourist accommodation establishments (chapter E-14.2);

– Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003);

– Act respecting the Institut de tourisme et d'hôtellerie du Québec (chapter I-13.02);

– Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);

– Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

– Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

– Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

– Act respecting the Québec sales tax (chapter T-0.1).

LEGISLATION REPEALED BY THIS ACT:

– Act to establish the Fund for the Promotion of a Healthy Lifestyle (chapter F-4.0021).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting road vehicle registration (chapter C-24.2, r. 29);

– Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1);

– Regulation respecting the Québec sales tax (chapter T-0.1, r. 2).

Bill 150

AN ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER REGULATE THE DIGITAL ECONOMY AS REGARDS E-COMMERCE, REMUNERATED PASSENGER TRANSPORTATION AND TOURIST ACCOMMODATION AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

IMPROVEMENT OF THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

DIVISION I

AMENDING PROVISIONS

HIGHWAY SAFETY CODE

1. Section 4 of the Highway Safety Code (chapter C-24.2) is amended by inserting the following definition in alphabetical order:

""**personalized registration plate**" means a registration plate bearing a number chosen by the applicant;".

2. Section 10.1 of the Code is amended by striking out "and the person in whose name registration is effected must renew them upon expiry" in the second paragraph.

3. The Code is amended by inserting the following sections after section 10.2:

"**10.3.** Every registration plate issued by the Société remains the property of the Société.

"**10.4.** A personalized registration plate may, on payment of the fees prescribed by regulation and in the cases and on the conditions prescribed by government regulation, be issued to any person having a file at the Société relating to the registration of a road vehicle or to a licence authorizing the person to drive a road vehicle, provided that the person is the owner of such a vehicle or, if the person is not, that the person gives an undertaking to the Société to become the owner.

The Société is not responsible for any injury or damage which may result from an applicant's choice of number."

4. Section 21 of the Code is amended

(1) by replacing the second paragraph by the following paragraphs:

"The authorization to put a registered road vehicle into operation is valid for the period determined by regulation and is renewed by operation of law, unless

(1) the vehicle is prohibited from being put back into operation; or

(2) the owner

(*a*) elects not to put his vehicle into operation by notifying the Société on or before the due date prescribed by regulation,

(*b*) is in default of payment to the Société of sums due under this Code or another Act in respect of another authorization or transaction,

(*c*) no longer complies with the conditions and formalities established by regulation, or

(*d*) has not obtained the prior authorization of the Commission des transports du Québec required under subparagraph 4 of the first paragraph.

The owner of a vehicle who, when registering the vehicle, notifies the Société of his election not to put the vehicle into operation is not required to pay the amounts referred to in the first paragraph, except the acquisition duty and the fees.

The owner who has elected not to put his vehicle into operation, who is no longer in default of payment to the Société or to whom the grounds preventing the renewal provided for in the second paragraph no longer apply may obtain authorization to put his vehicle back into operation if the owner complies with the requirements of the first paragraph, except the payment of the acquisition duty.

If the authorization to put the vehicle into operation is not renewed by operation of law under the second paragraph, no person may, as of the day following the due date and without a notice by the Société being necessary, put the vehicle back into operation.

If, when registering a vehicle, the owner of the vehicle elects not to put it into operation, no person may, as of the date of registration of the vehicle and without a notice by the Société being necessary, put the vehicle into operation.";

(2) by replacing "the sums referred to in the second paragraph have been paid by the owner or, in the case of a heavy vehicle, before" in the third paragraph by ", in the case of a heavy vehicle,".

5. Section 31.1 of the Code is amended

(1) by replacing "To retain the right to drive a registered road vehicle, the owner thereof must, unless exempted by regulation, pay to the Société, at the intervals and over the periods determined by regulation," in the first paragraph by "On the expiry of the authorization to put a vehicle into operation, the owner of the vehicle must, unless exempted by regulation, pay to the Société, for the renewal of the authorization,";

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

"At any time during the period of validity of the authorization to put a road vehicle into operation, the owner of the vehicle may waive the authorization for the unexpired portion of the period by notifying the Société. As of the date specified in the waiver notice, no person may, without a notice to that effect by the Société being necessary, put the vehicle back into operation."

6. The Code is amended by inserting the following sections after section 32:

"**32.1.** Every registration plate number must be made up of Latin alphabet capital letters, Arabic numerals or a combination of both. It must be compatible with the plate numbering system established by the Société and be easy to read.

A registration plate number must not cause confusion with another plate number and, in the case of a personalized number, must not include an expression or a message, including when read in reverse, that

(1) falsely suggests that the owner of the road vehicle is, or is related to, a public authority;

(2) conveys a careless attitude with respect to road safety;

(3) expresses an obscene or scandalous notion;

(4) promotes the commission of a criminal offence;

(5) the law reserves for another person or prohibits from being used; or

(6) is not in conformity with the Charter of the French language (chapter C-11).

In the event of non-compliance with the conditions of this section, the Société may refuse to issue the plate or may invalidate it if the non-compliance is identified after the issuance of the plate.

A government regulation may prescribe rules for the creation of a plate number, in particular to allow the use of special characters; such rules may vary according to the classes of road vehicles.

"**32.2.** Every personalized registration plate must, prior to its utilization, be activated in order to be associated, in the Société's register, with the vehicle on which it will be affixed. The time limit and other conditions of activation are prescribed by government regulation.

"**32.3.** The holder of a personalized registration plate is required to pay the management fee for the administration of the personalized registration plate system, at the intervals and during the periods prescribed by government regulation.

The management fee is payable even if the holder no longer intends to associate the plate with his vehicle, does not have the authorization to put the vehicle into operation or transfers it to a third person.

If the holder fails to pay the management fee, the Société may invalidate the registration plate.

"**32.4.** Where a personalized registration plate is invalidated, the road vehicle owner must apply to the Société for the replacement of the plate and pay the fees exigible prescribed by regulation.

Where the plate is invalidated under the third paragraph of section 32.1, the Société shall, when the plate is replaced, reimburse the fees paid in accordance with section 10.4.

"**32.5.** The conditions for the reuse of a personalized number by another person having a registration file or a licence file at the Société are prescribed by government regulation."

7. Section 35 of the Code is amended by inserting "in the form determined by regulation" after "copy of it" in the first paragraph.

8. Section 37 of the Code is amended by adding the following paragraph at the end:

"If the copy of the registration certificate is illegible or damaged, the person referred to in the first paragraph must make a new copy of the certificate."

9. Section 39 of the Code is amended, in the first paragraph,

(1) by replacing "Every person contemplated in section 10.2" by "The transferor of a road vehicle who does not request the transfer of a registration plate to another vehicle, a person contemplated in section 10.2";

(2) by inserting "or where the registration plate is invalid or has not been activated in accordance with section 32.2" at the end.

10. Section 39.1 of the Code is amended by inserting "or under the second paragraph of section 573.0.1" after "202.0.1".

11. Section 40 of the Code is amended by replacing "the transferor must remit to the Société the registration certificate and the registration plate issued for the vehicle, after endorsing the certificate, and the new purchaser" by "the transferor and the new owner must declare the transfer of ownership to the Société in the manner determined by the Société and the new owner".

12. Section 41 of the Code is repealed.

13. The Code is amended by inserting the following sections after section 54:

"**54.1.** Every owner of a road vehicle who drives the vehicle or allows it to be driven while it is carrying a registration plate that has not been activated in accordance with section 32.2 is guilty of an offence and is liable to a fine of $100 to $200.

"**54.2.** Every owner of a road vehicle who drives the vehicle or allows it to be driven while it is carrying an invalid personalized registration plate is guilty of an offence and is liable to a fine of $200 to $300."

14. Section 59 of the Code is amended by replacing "the third, fourth or fifth paragraph of section 21, the third or fifth paragraph of section 31.1" in the first paragraph by "the fifth, sixth, seventh, eighth or ninth paragraph of section 21, the second or third paragraph of section 31.1".

15. Section 69 of the Code is amended

(1) by striking out "or renew" and ", to obtain a licence" in the first paragraph;

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

"A driver's licence or a restricted licence issued under section 76.1.1 is valid for the period determined by regulation and is renewed by operation of law, unless

(1) the licence is suspended or the title evidencing it was not replaced when it expired; or

(2) the licence holder

(*a*) notifies the Société on or before the due date prescribed by regulation that he does not intend to apply for its renewal,

(*b*) is in default of payment to the Société of sums due under this Code or another Act in respect of another authorization or transaction, or

(*c*) no longer complies with the conditions or formalities established by regulation.

If a licence is not renewed by operation of law under the third paragraph, the person who held the licence may not, as of the day following the due date and without a notice to that effect by the Société being necessary, drive a road vehicle."

16. Section 73 of the Code is amended, in the first paragraph,

(1) by striking out "or for the renewal of a licence,";

(2) by inserting ", or may require that person, on the renewal of his licence" after "removed".

17. Section 81 of the Code is amended by striking out paragraph 5.

18. Section 93.1 of the Code is amended

(1) in the first paragraph,

(*a*) by replacing "The holder of a driver's licence or a restricted licence issued under section 76.1.1 must, at the intervals prescribed by regulation, pay the Société" by "At the expiry of the period of validity of a driver's licence or of a restricted licence issued under section 76.1.1, the holder must, for the renewal of the licence, pay to the Société";

(*b*) by striking out "If, on the due date, the licence holder has not made the required payments or notified the Société of his intention to pay by pre-authorized debit, he may not, as of the first day following the due date, and without further notice, drive any road vehicle.";

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

"The holder of a driver's licence or of a restricted licence issued under section 76.1.1 is required to replace the title evidencing the licence when it expires and pay to the Société the fees prescribed by regulation.";

(3) by striking out the third and fourth paragraphs.

19. Section 95 of the Code is amended by replacing "or renewing a licence" in the first paragraph by "a licence or replacing the title evidencing it".

20. Section 141 of the Code is amended by replacing "first paragraph of section 93.1" in the first paragraph by "fourth paragraph of section 69".

21. Section 188 of the Code is amended by striking out paragraphs 4, 6 and 7.

22. Section 190 of the Code is amended

(1) by replacing "or renewing his licence or the class applied for" in paragraph 5 by "his licence or the class applied for, when replacing the title evidencing it";

(2) by striking out paragraphs 7 and 8.

23. Section 209.1 of the Code is amended by adding the following paragraph at the end:

"A person whose licence has not been renewed by operation of law solely because of failure to pay the Société is not subject to this section."

24. The Code is amended by inserting the following section after section 549:

"**549.1.** The Société shall publish, on its website, the cases in which and conditions on which a document or information may be transmitted to the Société by means of information technologies and shall specify, in particular, the location where such a document or information must be filed.

Despite the second paragraph of section 31 of the Act to establish a legal framework for information technology (chapter C-1.1), only a notice from the Société confirms receipt of such a document or information.

A document or information is not presumed to have been received in a case where a notice concerning its unintelligibility has been filed at the designated location."

25. The Code is amended by inserting the following section after section 550.1:

"**550.2.** Despite the fourth paragraph of section 550 and section 550.1, if a person has agreed to a decision or the notice referred to in section 553 being transmitted to him by means of information technologies at the location designated by the Société, the document is deemed to be received once the Société has filed it at that location and a notice informing the person concerned of the filing has been notified by the technological means last preferred by that person as of the date of the transmission, as it appears in the Société's record."

26. Section 553 of the Code is amended by inserting "or of its filing at the location designated by the Société" after "from the time of mailing of the notice" in the first paragraph.

27. The Code is amended by inserting the following section before section 573.1:

"**573.0.1.** Failure to pay sums that the Société is responsible for collecting under this Code or another Act entails by operation of law the imposition, on the day following the date on which the sums become payable, of the recovery fee and the interest prescribed by regulation. In addition, no authorization or other transaction may be issued, renewed or carried out, as the case may be, by the Société as long as the person concerned is in default of payment.

If a person has failed to pay a sum to the Société, the Société may revoke the authorizations obtained by the person or suspend the right to obtain them. In such a case, no authorization may be issued as long as the default of payment continues."

28. Section 618 of the Code is amended

(1) by replacing "in which cases and subject to what conditions the Société may issue one or more of the following documents" in paragraph 2 by "in which cases and subject to what conditions any of the following documents are issued or invalidated";

(2) by inserting ", the form of those certificates and of copies of them," after "temporary registration certificate" in paragraph 4.1;

(3) by adding "or for renewing the authorization to put a road vehicle into operation" at the end of paragraph 7;

(4) by striking out paragraph 8.7;

(5) by replacing paragraph 8.8 by the following paragraph:

"(8.8) determine the period of validity of the authorization to operate a road vehicle and the period within which the duties, fees and insurance contribution and, where applicable, the contribution of motorists to public transit or the contribution of off-highway vehicle owners and the additional duties exigible under section 31.1 in respect of a registered road vehicle must be paid, periods which may vary according to criteria determined by the Government;";

(6) by striking out paragraph 11.2.

29. Section 619 of the Code is amended

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

"(1) determine, according to the nature of each licence, the information that the title evidencing it must include and the form of that title;

"(1.0.1) determine the period of validity of each licence and of the title evidencing it, except as regards a restricted licence issued under section 118;";

(2) by striking out paragraph 4.1;

(3) by striking out paragraph 5.2;

(4) by replacing "or renewal of such a licence" and "for obtaining or renewing that licence" in paragraph 6 by "or renewal of such a licence, the replacement of the title evidencing it" and "for obtaining or renewing that licence or replacing the title evidencing it", respectively.

30. Section 619.3 of the Code is amended by inserting "or, as the case may be, renewing" after "for obtaining" in subparagraph 2 of the first paragraph.

31. Section 624 of the Code is amended, in the first paragraph,

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

"(1.0.1) determine the amount of the management fee exigible for the administration of the personalized registration plate system;";

(2) by striking out subparagraph 1.1;

(3) by inserting the following subparagraph after subparagraph 1.1:

"(1.2) determine the amount of the fee for the issue of personalized registration plates;";

(4) by replacing "or renewing such a licence" in subparagraph 3 by "such a licence or for replacing the title evidencing it,";

(5) by striking out subparagraph 3.1;

(6) by replacing subparagraph 15 by the following subparagraphs:

"(15) fix the amount of the fee exigible in respect of any mode of payment or any transaction rejected by a financial institution;

"(15.1) fix the amount of the recovery fee and the interest rate in respect of the sums it is responsible for collecting under this Code or another Act and establish rules for calculating the fee and the interest;".

32. Section 648.4 of the Code is amended, in the first paragraph,

(1) by inserting "and the fourth paragraph" after "subparagraphs 3, 5 and 6 of the first paragraph" in subparagraph 1;

(2) by replacing "the first and fourth paragraphs" in subparagraph 2 by "the first paragraph".

REGULATION RESPECTING ROAD VEHICLE REGISTRATION

33. Section 3 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by replacing paragraph 3 by the following paragraph:

"(3) the number of the registration plate, if applicable;".

34. Section 5 of the Regulation is amended by striking out the first paragraph.

35. The Regulation is amended by inserting the following sections after section 7.1:

"**7.2.** Only persons who are not legal persons may obtain a personalized registration plate. Such a plate may be associated only with the following road vehicles, unless they are discarded:

(1) passenger vehicles, for which this Regulation does not prescribe a registration plate bearing a prefix;

(2) motorcycles, mopeds or motor homes with a net weight of 3,000 kg or less; and

(3) all-terrain vehicles and snowmobiles with a net weight of 450 kg or less.

"**7.3.** A personalized registration plate may not be affixed to a vehicle before being activated. The plate must be activated according to the instructions enclosed with the plate when it is sent to the recipient, which are also published on the Société's website.

The plate must be activated within 48 months after the date it is received. Failing that, the plate number becomes available and may be reused by another person as of the day following the date of the default.

A personalized registration plate may not be associated with a road vehicle not belonging to the applicant or be transferred to another person.

"**7.4.** Despite section 5, every personalized registration plate becomes invalid at the expiry of 48 months after the day on which

(1) the owner of the vehicle for which the plate was issued notifies the Société that he no longer wishes to associate the plate with the vehicle;

(2) the vehicle with which the plate is associated is prohibited from being put into operation; or

(3) ownership of the vehicle is transferred.

However, the plate remains valid beyond the time limit prescribed in the first paragraph if, before the expiry of the time limit, the holder requests the Société to associate the plate with another vehicle owned by the holder or the prohibition referred to in subparagraph 2 of the first paragraph is lifted.

"**7.5.** Unless it results from the application of the third paragraph of section 32.1 of the Highway Safety Code (chapter C-24.2), the invalidation of a personalized registration plate makes the plate number available; in such a case, the number may be reused by another person who applies for it in accordance with section 10.4 of the Code.

However, if the invalidation of a personalized registration plate results from a failure to pay the management fee provided for in section 32.3 of the Code, the number becomes available only at the expiry of 48 months after the date of invalidation.

"**7.6.** Despite sections 7.3 and 7.5, if a personalized registration plate is reported lost or stolen, the number may be reused at the expiry of 60 months after the date on which the loss or theft was reported.

"**7.7.** Sections 19 to 25.7 apply, with the necessary modifications, to payment of the management fee for the administration of the personalized registration plate system."

36. Section 139 of the Regulation is amended

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

"Despite the first paragraph, a personalized registration plate affixed to an all-terrain vehicle shall bear the prefix "V" followed by a hyphen.";

(2) by replacing "the first paragraph" in the second paragraph by "this section".

37. Section 141 of the Regulation is amended

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

"However, a personalized registration plate affixed to a snowmobile referred to in the first paragraph shall bear the prefix "V" followed by a hyphen.";

(2) by replacing "the first paragraph" in the second paragraph by "this section".

DIVISION II

SPECIAL TRANSITIONAL PROVISIONS

38. Until a regulation is made under subparagraph 1.0.1 of the first paragraph of section 624 of the Highway Safety Code (chapter C-24.2), enacted by paragraph 1 of section 31, the management fee for the administration of the personalized registration plate system is $30.

39. Until a regulation is made under subparagraph 1.2 of the first paragraph of section 624 of the Highway Safety Code, enacted by paragraph 3 of section 31, the fee payable under section 10.4 of that Code, enacted by section 3, for the issue of a personalized registration plate is $217.

40. Until a regulation is made under subparagraph 5 of the first paragraph of section 624 of the Highway Safety Code concerning the fee payable for the replacement of a personalized registration plate by a plate bearing the same number, the fee is $50.

41. Despite section 648 of the Highway Safety Code, the fees collected under sections 38 to 40 of this Act belong to the Société de l'assurance automobile du Québec.

42. Section 32.3 of the Highway Safety Code, enacted by section 6, applies to road vehicle owners who have not paid the fees fixed in section 38.

43. The fees fixed in sections 38 to 40 are indexed in accordance with Chapter VIII.1 of the Financial Administration Act (chapter A-6.001), despite section 83.11 of that Act.

44. Section 31.1 of the Highway Safety Code, as it read before the coming into force of section 5, and the related provisions of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) continue to apply in respect of the owner of a registered road vehicle who is not a legal person within the meaning of that Regulation until the day before the owner's next birthday. That birthday corresponds to the date on which section 31.1 of that Code, as amended by section 5, begins to apply in respect of the owner and also corresponds to the first payment due date for the amounts payable under that section 31.1.

45. When, in respect of the owner of a registered road vehicle who is not a legal person within the meaning of the Regulation respecting road vehicle registration, the first payment due date for the amounts required to be paid under the first paragraph of section 31.1 of the Highway Safety Code, as amended by paragraph 1 of section 5, occurs, the amounts that have been paid for the period remaining between that due date and the one fixed under the Regulation respecting road vehicle registration, as it read before the coming into force of paragraph 1 of section 5, are subtracted from the amounts payable on that first payment due date.

The deduction provided for in the first paragraph is calculated in accordance with the calculation rules for reimbursing the duties, the insurance contribution, the contribution of motorists to public transit and the contribution of off-highway vehicle owners that are prescribed, as the case may be, by the Regulation respecting road vehicle registration or the Regulation respecting insurance contributions (chapter A-25, r. 3.2), as they read before the coming into force of paragraph 1 of section 5.

46. If, at the time of the coming into force of paragraph 1 of section 5, the owner of a registered road vehicle who is not a legal person within the meaning of the Regulation respecting road vehicle registration pays by pre-authorized debit the amounts payable under section 31.1 of the Highway Safety Code, as it read before that date, the frequency of the pre-authorized debit is maintained until the first payment due date for the amounts payable under the first paragraph of section 31.1 of that Code, as amended by paragraph 1 of section 5.

47. On the first payment due date for the amounts payable under the first paragraph of section 31.1 of the Highway Safety Code, as amended by paragraph 1 of section 5, a registration certificate is issued to the owner of a registered road vehicle and replaces the certificate previously issued to that owner.

48. From the date of coming into force of sections 15 and 18 and until the driver's licences, and the restricted licences referred to in section 76.1.1 of the Highway Safety Code, issued before that date have been replaced, the French expression "expire le" appearing on the titles evidencing the licences refers to the expiry of the period of validity of the titles on which the licences are issued.

49. From the date of coming into force of sections 4, 21 and 22, the decisions of the Société de l'assurance automobile du Québec, in force or rendered but not yet in force, to prohibit putting a road vehicle back into operation under the second paragraph of section 21 of the Highway Safety Code or any of paragraphs 4, 6 and 7 of section 188 of that Code and its decisions to suspend a licence under paragraph 7 or 8 of section 190 of that Code become, without further notice, revocations of the authorization to operate a vehicle or, as the case may be, of the authorization to drive. Section 573.0.1 of that Code, enacted by section 27, applies to the owner of the vehicle or to the licence holder concerned, except the provisions relating to the recovery fee and the interest.

50. Until a regulation is made under subparagraph 15.1 of the first paragraph of section 624 of the Highway Safety Code, enacted by paragraph 6 of section 31, the recovery fee payable under section 573.0.1 of the Code, enacted by section 27, corresponds to the greater of

(1) $11.10; and

(2) the amount corresponding to 5% of the sums due.

The interest payable under section 573.0.1 of the Code is calculated daily on the balance due for the period beginning on the day following the due date and ending on the reimbursement day, on the basis of the interest rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

CHAPTER II

PROVISIONS RELATING TO THE ADMINISTRATION OF CERTAIN ACTS UNDER THE RESPONSIBILITY OF REVENU QUÉBEC

DIVISION I

COMMUNICATION OF INFORMATION AND VOLUNTEER PROGRAM

TAX ADMINISTRATION ACT

51. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended, in the second paragraph,

(1) by inserting ", the identification number and the amounts paid by the employer as contributions under section 39.0.2 of that Act" after "Act respecting labour standards (chapter N-1.1)" in subparagraph *g*;

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

"(*z*.4) the Minister of Families, Seniors and the Status of Women, in respect of inspections and investigations conducted under the Educational Childcare Act (chapter S-4.1.1) in relation to the application of any of sections 6, 13 and 16 of that Act;

"(*z*.5) the Minister of Tourism, in respect of information held for the purposes of section 55.1 of the Act respecting tourist accommodation establishments (chapter E-14.2), to the extent that the information is required for the purposes of that Act; and

"(*z*.6) the Ethics Commissioner, in respect of verifications and inquiries conducted or authorized by the Ethics Commissioner under the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1), the Regulation respecting the rules of conduct applicable to the office staff of ministers (chapter C-23.1, r. 2) and the rules of ethics applicable to the staff of the Members and the office staff of the House officers of the National Assembly adopted under section 124.3 of the Act respecting the National Assembly (chapter A-23.1)."

52. Section 69.8 of the Act is amended by replacing "and *z*.1 of the second paragraph" in the portion before subparagraph *a* of the first paragraph by ", *z*.1 and *z*.6 of the second paragraph of that section 69.1".

53. The Act is amended by inserting the following division after section 94.9:

"**DIVISION I.3**

"VOLUNTEER PROGRAM

"**94.10.** The Minister may establish and implement a financial compensation program to subsidize the organizations that participate in the Volunteer Program for the costs related to filing fiscal returns in accordance with section 1000 of the Taxation Act (chapter I-3) on behalf of others."

DIVISION II

SYSTEM FOR RECORDING SALES IN THE REMUNERATED PASSENGER TRANSPORTATION SECTOR

TAX ADMINISTRATION ACT

54. Section 17.3 of the Tax Administration Act (chapter A-6.002) is amended by replacing "any of sections 350.52 to 350.52.2" in subparagraph *n* of the first paragraph by "any of sections 350.52 to 350.52.2 or paragraph 1 of section 350.62".

55. Section 17.5 of the Act is amended by replacing "any of sections 350.52 to 350.52.2" in subparagraph *p* of the first paragraph by "any of sections 350.52 to 350.52.2 or paragraph 1 of section 350.62".

56. Section 60.3 of the Act is amended by replacing "section 350.53" by "section 350.53 or 350.63".

57. Section 61.0.0.1 of the Act is amended

(1) by replacing "or any of sections 350.52 to 350.52.2 of the Act respecting the Québec sales tax (chapter T-0.1)" by "any of sections 350.52 to 350.52.2 and 350.61 of the Act respecting the Québec sales tax (chapter T-0.1) or paragraph 1 of section 350.62 of that Act";

(2) by replacing "prescribed by this Act" by "otherwise provided".

ACT RESPECTING THE QUÉBEC SALES TAX

58. Section 1 of the Act respecting the Québec sales tax (chapter T-0.1) is amended by replacing the definition of "taxi business" by the following definition:

""taxi business" means

(1) a business carried on in Québec of transporting passengers by taxi for fares that are regulated by the Act respecting transportation services by taxi (chapter S-6.01); or

(2) a business carried on in Québec by a person of transporting passengers, for a fare, by motor vehicle—which vehicle would be an automobile within the meaning that would be assigned by section 1 of the Taxation Act if the definition it sets out were read without reference, in its paragraph *b*, to "a motor vehicle acquired or leased primarily for use as a taxi," and without reference to its paragraph *d*—within and in the vicinity of the territory of a municipality if the transportation is organized or coordinated through an electronic platform or system other than

(*a*) the part of the business that is not a business of making taxable supplies;

(*b*) the part of the business that is a business of offering sightseeing services or providing transportation for elementary or secondary school students; or

(*c*) a prescribed business or a prescribed activity of a business;".

59. The Act is amended by inserting the following division after section 350.60:

"**DIVISION XXIII**

"TAXI TRANSPORTATION SERVICES

"**350.61.** A person who holds a taxi owner's permit issued under the Act respecting transportation services by taxi (chapter S-6.01) must equip the vehicle attached to the permit with equipment that allows any person referred to in section 350.62 who uses the vehicle in the course of carrying on the person's taxi business to comply with the obligations set out in that section and ensure the proper operation of that equipment.

"**350.62.** If a person engaged in a taxi business makes a taxable supply of a passenger transportation service (other than a prescribed service) in the course of that business, the person must, subject to the prescribed cases and conditions,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) provide an invoice produced in the prescribed manner and containing the prescribed information to the recipient without delay at the end of the trip, and keep a copy of it.

"**350.63.** No person referred to in section 350.62 or person acting on that person's behalf may print or send the invoice containing the information provided for in paragraph 2 of section 350.62 more than once, except when providing it to the recipient for the purpose of that section. If such a person generates or transmits a copy, duplicate, facsimile or any other type of partial or total reproduction for another purpose, the person must do so in the prescribed manner.

Such a person may not provide a recipient of a supply who is referred to in paragraph 2 of section 350.62 with any other document stating the consideration paid or payable by the recipient for the supply and the tax payable in respect of the supply, except in the prescribed cases and on the prescribed conditions.

"**350.64.** The Minister may, on such terms and conditions as the Minister determines, exempt a person or class of persons from a requirement set out in sections 350.61 to 350.63. The Minister may, however, revoke the exemption or modify its terms and conditions.

"**350.65.** Whoever fails to comply with paragraph 1 of section 350.62 incurs a penalty of $300; with paragraph 2 of section 350.62, a penalty of $100; and with section 350.63, a penalty of $200.

"**350.66.** In any proceedings respecting an offence under section 60.3 of the Tax Administration Act (chapter A-6.002), when it refers to section 350.63, an offence under section 60.4 of the Tax Administration Act, when it refers to paragraph 2 of section 350.62, or an offence under section 61.0.0.1 of the Tax Administration Act, when it refers to paragraph 1 of section 350.62, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee had knowledge that an invoice was provided to the recipient by a person engaged in a taxi business referred to in section 350.62, or by a person acting on his behalf, is proof, in the absence of any proof to the contrary, that the invoice was provided by the person and that the amount shown in the invoice as being the consideration corresponds to the consideration received by the person from the recipient for a supply.

"**350.67.** In proceedings respecting an offence referred to in section 350.66, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee analyzed an invoice and found that it did not contain the information prescribed in accordance with paragraph 2 of section 350.62 is proof, in the absence of any proof to the contrary, that the invoice does not contain the prescribed information in accordance with that paragraph 2."

60. Section 677 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 2.1:

"(2.1.1) determine, for the purposes of the definition of "taxi business" in section 1, the prescribed businesses and prescribed activities;";

(2) by inserting the following subparagraphs after subparagraph 33.7:

"(33.8) determine, for the purposes of section 350.62, the prescribed services, prescribed cases and conditions, prescribed manner, prescribed time and prescribed information;

"(33.9) determine, for the purposes of section 350.63, the prescribed manner and prescribed cases and conditions;".

DIVISION III

COLLECTION AND REMITTANCE OF THE QUÉBEC SALES TAX AS REGARDS E-COMMERCE

TAX ADMINISTRATION ACT

61. Section 17.2 of the Tax Administration Act (chapter A-6.002) is amended by replacing the portion before paragraph *a* by the following:

"**17.2.** Subject to section 17.2.1, every person who".

62. The Act is amended by inserting the following section after section 17.2:

"**17.2.1.** A person registered or required to be registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) shall, in applying for registration under Division I of Chapter VIII of that Title I, give and thereafter maintain the security provided for in section 17.2."

63. Section 17.3 of the Act is amended

(1) by inserting "or of the person's registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1)" after "issued under a fiscal law" in the portion before subparagraph *a* of the first paragraph;

(2) by replacing "section 468" in subparagraph *e* of the first paragraph by "section 468 or 477.10";

(3) by replacing "that has been revoked" in subparagraph *f* of the first paragraph by "or has been registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax and the registration certificate, permit or registration has been revoked";

(4) by inserting "or registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax" after "under a fiscal law" in subparagraph *g* of the first paragraph;

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

"The Minister may also require the person who has held a registration certificate or permit or has been registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax, where the registration certificate, permit or registration has been revoked by reason of subparagraph *d* or *f* of the first paragraph of section 17.5 in the 24 months preceding the application, to remedy the failure referred to in those subparagraphs."

64. Section 17.5 of the Act is amended

(1) by replacing the portion before subparagraph *a* of the first paragraph by the following:

"**17.5.** The Minister may refuse to issue a registration certificate or permit under a fiscal law to a person or refuse to register a person under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1), suspend or revoke such a certificate, permit or registration or refuse to renew such a permit, where the person";

(2) by replacing "a registration certificate or for obtaining or renewing a permit" in subparagraph *e* of the first paragraph by "the registration certificate, for obtaining or renewing the permit or for registering under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax";

(3) by replacing "section 468" in subparagraph *f* of the first paragraph by "section 468 or 477.10";

(4) by replacing "that has been revoked" in subparagraph *g* of the first paragraph by "or has been registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax and the registration certificate, permit or registration has been revoked";

(5) by inserting "or registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax" after "under a fiscal law" in subparagraph *h* of the first paragraph;

(6) by inserting ", suspend or revoke registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax or refuse such registration" after "issue the registration certificate" in the second paragraph.

65. Section 17.8 of the Act is amended by replacing "or the suspension" in the first paragraph by "of a registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) or".

66. Section 17.9 of the Act is amended by replacing "or the revocation" in the first paragraph by "of a registration under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) or".

67. Section 20 of the Act is amended by replacing "section 468 or 470" in the third paragraph by "any of sections 468, 470 and 477.10".

68. Section 21 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

"(3) an amount that a person registered under Division I of Chapter VIII of Title I of the Act respecting the Québec sales tax has paid as or on account of tax under that Act in respect of a supply made by a person registered under Division II of Chapter VIII.1 of that Title I."

69. Section 24.0.1 of the Act is amended by replacing "net tax refund within the meaning of" in the second paragraph by "refund of the net tax or specified net tax under".

70. Section 27.2 of the Act is amended by inserting "where the person is registered under Division II of Chapter VIII.1 of Title I of the said Act or" after "does not apply" in the second paragraph.

71. Section 30.6 of the Act is amended by replacing "of net tax" and "to that net tax" in the first paragraph by "of net tax or specified net tax" and "to that net tax or specified net tax", respectively.

72. The Act is amended by inserting the following section after section 37.1.4:

"**37.1.5.** A person who is required to be registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax (chapter T-0.1) shall send to the Minister by way of electronic filing the application for registration referred to in the second paragraph of section 477.5 of that Act, according to the terms and conditions determined by the Minister.

A person registered under Division II of Chapter VIII.1 of Title I of the Act respecting the Québec sales tax shall also send to the Minister by way of electronic filing the return referred to in section 477.10 of that Act, according to the terms and conditions determined by the Minister."

73. Section 91.1 of the Act is amended by replacing "37.1.4" in the first paragraph by "37.1.5".

ACT RESPECTING THE QUÉBEC SALES TAX

74. Section 1 of the Act respecting the Québec sales tax (chapter T-0.1) is amended

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

""specified Québec consumer" has the meaning assigned by section 477.2;";

(2) by inserting the following definitions in alphabetical order:

""Canadian specified supplier" has the meaning assigned by section 477.2;

""specified supplier" has the meaning assigned by section 477.2;";

(3) by inserting the following definition in alphabetical order:

""specified digital platform" has the meaning assigned by section 477.2;".

75. Section 17 of the Act is amended by adding the following paragraph at the end:

"Subparagraph 5 of the fourth paragraph applies only to corporeal property the supply of which is made outside Québec otherwise than by reason of section 23."

76. Section 23 of the Act is amended by adding the following paragraphs at the end:

"(4) the person is a specified supplier registered under Division II of Chapter VIII.1 and the supply is a supply of incorporeal movable property or a service made to a specified Québec consumer;

"(5) the person is a Canadian specified supplier registered under Division II of Chapter VIII.1 and the supply is a supply of corporeal movable property made to a specified Québec consumer; or

"(6) the person is a specified supplier and the supply is a supply of incorporeal movable property or a service made to a specified Québec consumer through a specified digital platform operated by a person registered under Division I of Chapter VIII or Division II of Chapter VIII.1."

77. Section 400 of the Act is amended

(1) by replacing the portion before paragraph 3 by the following:

"**400.** Subject to section 401, a person who has paid an amount as or on account of, or that was taken into account as, tax, net tax, specified net tax, penalty, interest or other obligation under this Title in circumstances where the amount was not payable or remittable by the person, whether the amount was paid by mistake or otherwise, is entitled to a rebate of that amount, except to the extent that

(1) the amount was taken into account as tax, net tax or specified net tax for a reporting period of the person and the person has been assessed for the period;

(2) the amount paid was tax, net tax, specified net tax, penalty, interest or any other amount assessed;";

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

"(4) the person is registered under Division I of Chapter VIII and the amount was paid to another person registered under Division II of Chapter VIII.1."

78. The Act is amended by inserting the following chapter after section 477.1:

"**CHAPTER VIII.1**

"TAX COLLECTION AND REMITTANCE — NON-RESIDENT SUPPLIERS

"**DIVISION I**

"DEFINITIONS AND GENERAL RULES

"**477.2.** For the purposes of this chapter,

"Canadian specified supplier" means a specified supplier registered under section 240 of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15);

"foreign specified supplier" means a specified supplier who does not carry on a business in Canada, does not have a permanent establishment in Canada and is not registered under section 240 of the Excise Tax Act;

"Québec consumer", in respect of a particular supply, means the recipient of the supply who is a consumer whose usual place of residence, determined in accordance with section 477.3, is situated in Québec;

"specified digital platform" means a digital platform for the distribution of property or services through which a particular person enables another person who is a specified supplier to make a taxable supply in Québec of incorporeal movable property or a service to a recipient, provided the particular person controls the essential elements of the transaction between the specified supplier and the recipient such as billing, the terms and conditions of the transaction and the terms of delivery;

"specified Québec consumer", in respect of a particular supply, means the recipient of the supply who is a person who is not registered under Division I of Chapter VIII and whose usual place of residence, determined in accordance with section 477.3, is situated in Québec;

"specified supplier" means a supplier who does not carry on a business in Québec, does not have a permanent establishment in Québec and is not registered under Division I of Chapter VIII;

"specified threshold" of a person for a particular calendar month means the total of all amounts each of which is the value of the consideration that became due in the 12-month period preceding the first day of the particular month, or was paid in that period without having become due, for any of the following supplies made in Québec to a recipient who can reasonably be considered to be a consumer:

(1) a taxable supply made by the person of incorporeal movable property or a service (other than a supply made through a specified digital platform);

(2) where the person is a Canadian specified supplier, a taxable supply made by the person of corporeal movable property; or

(3) where the person is the operator of a specified digital platform, a taxable supply of incorporeal movable property or a service that a specified supplier made through that platform.

For the purposes of the definition of "specified threshold" in the first paragraph, the following rules apply:

(1) this Title is to be read, in respect of a supply made by a person who is not resident in Québec, without reference to section 23;

(2) a supply of incorporeal movable property or a service made remotely by a foreign specified supplier to a recipient who can reasonably be considered to be a Québec consumer in respect of the supply is, despite sections 22.10 to 22.32, deemed to be made in Québec; and

(3) where the consideration for a supply is expressed in foreign currency, the person referred to in that definition shall, despite section 56, use a fair and reasonable conversion method to convert the value of the consideration into Canadian currency, provided the method is used consistently by the person to determine the total described in that definition.

"**477.3.** To determine whether the usual place of residence of the recipient of a supply is situated in Québec, the following rules apply:

(1) a person referred to in the definition of "specified threshold" in the first paragraph of section 477.2 shall, at the time of the supply, have obtained in the ordinary course of the person's operations one or more pieces of information from among the following that reasonably support that conclusion:

(*a*) the recipient's billing address,

(*b*) the recipient's home or business address,

(*c*) the IP address of the device used by the recipient at the time the agreement relating to the supply is entered into or similar data obtained at that time through another geolocation method,

(*d*) the recipient's payment-related bank information or the billing address used by the bank,

(*e*) the information from a SIM card used by the recipient,

(*f*) the place at which a landline telephone service is supplied to the recipient, or

(*g*) any other relevant information; and

(2) a person referred to in section 477.6 shall, at the time of the supply, have obtained in the ordinary course of the person's operations two pieces of information from among those listed in subparagraphs *a* to *g* of subparagraph 1 in support of that conclusion.

Where the person referred to in subparagraph 2 of the first paragraph has obtained, in the ordinary course of the person's operations, two pieces of information from among those provided for in subparagraphs *a* to *g* of subparagraph 1 of that paragraph in support of the conclusion that the usual place of residence of the recipient of a supply is situated in Québec and at least two other pieces of information from among those provided for in those subparagraphs in support of the conclusion that that usual place of residence is situated outside Québec, the person shall select the pieces of information that are the most reliable in determining the place of residence.

Where the person referred to in subparagraph 2 of the first paragraph cannot, because of the person's business practices, obtain two non-contradictory pieces of information to determine, in the ordinary course of the person's operations, the usual place of residence of the recipient of a supply, the Minister may allow an alternative method to be used.

"**477.4.** For the purposes of this Title, a supply of incorporeal movable property or a service made remotely by a foreign specified supplier to a specified Québec consumer is, despite sections 22.10 to 22.32, deemed to be made in Québec.

"**DIVISION II**

"REGISTRATION

"**477.5.** A person who is a specified supplier or the operator of a specified digital platform (other than a person registered or required to be registered under Division I of Chapter VIII) is required to be registered under this division from the first day of a particular calendar month for which the person's specified threshold exceeds $30,000.

An application for registration must be filed with the Minister by a person on or before the day from which the person is required to be registered.

The Minister may register the person applying for registration and, for that purpose, the Minister, or any person the Minister authorizes, shall assign a registration number to the person and notify the person of the registration number and the effective date of the registration.

"**DIVISION III**

"COLLECTION

"**477.6.** A specified supplier registered under Division II who makes a taxable supply in Québec of incorporeal movable property or a service to a specified Québec consumer (other than a supply referred to in the third paragraph) shall, as a mandatary of the Minister, collect the tax payable by the specified Québec consumer under section 16 in respect of the supply.

A Canadian specified supplier registered under Division II who makes a taxable supply in Québec of corporeal movable property to a specified Québec consumer shall, as a mandatary of the Minister, collect the tax payable by the specified Québec consumer under section 16 in respect of the supply.

A person registered under Division II of this chapter or Division I of Chapter VIII who operates a specified digital platform and receives an amount for the taxable supply of incorporeal movable property or a service made in Québec by a specified supplier to a specified Québec consumer shall, as a mandatary of the Minister, collect the tax payable by the specified Québec consumer under section 16 in respect of the supply.

For the purposes of the first, second and third paragraphs, a person referred to in this section may consider that the recipient of a supply is not a specified Québec consumer if the recipient informs the person that the recipient is registered under Division I of Chapter VIII and provides the person with a registration number as such.

"**477.7.** A person who is required under section 477.6 to collect tax in respect of a supply shall indicate to the recipient, in the invoice or receipt provided to, or in an agreement entered into with, the recipient,

(1) the consideration paid or payable by the recipient for the supply and the tax payable in respect of the supply in a manner that clearly indicates the amount of the tax; or

(2) that the amount paid or payable by the recipient for the supply includes the tax payable in respect of the supply.

Where the person indicates to the recipient the rate of the tax, the person shall indicate it apart from the rate of any other tax.

In addition, the tax must be referred to by its name, an abbreviation of its name or a similar designation.

"**DIVISION IV**

"REPORTING AND REMITTANCE

"§1. — *Reporting period*

"**477.8.** For the purposes of this chapter, the reporting period of a person registered under Division II at a particular time corresponds to the calendar quarter that includes that time.

"**477.9.** Where a person becomes registered under Division II on a particular day, the period beginning on the particular day and ending on the last day of the calendar quarter that includes the particular day is deemed to be a reporting period of the person.

Where a person ceases to be registered under Division II on a particular day, the period beginning on the first day of the calendar quarter that includes the particular day and ending on the day immediately before the particular day is deemed to be a reporting period of the person.

"§2. — *Filing of the return*

"**477.10.** Every person registered under Division II shall file a return for each of the person's reporting periods within the month following the end of the reporting period.

"§3. — *Determination of the specified net tax*

"**477.11.** The specified net tax for a particular reporting period of a person registered under Division II is the positive or negative amount determined by the formula

A – B.

For the purposes of the formula in the first paragraph,

(1) A is the total of

(*a*) all amounts that became collectible and all other amounts collected by the person in the particular reporting period as or on account of tax under section 16, and

(*b*) all amounts that would be required to be added under section 446 in determining the person's specified net tax for the particular reporting period if that section were read as if "net tax" were replaced by "specified net tax"; and

(2) B is the total of all amounts each of which is an amount that may be deducted by the person under section 477.16 in determining the person's specified net tax for the particular reporting period, or that could be so deducted under section 444 or 449 if those sections and section 444.1 were read as if "net tax" were replaced by "specified net tax" and if sections 444.1 and 446.1 were read as if "this chapter" were replaced by "Chapter VIII.1", and that is claimed by the person in the return filed under this chapter for that period.

"**477.12.** An amount must not be included in the total described in subparagraph 1 of the second paragraph of section 477.11 for a reporting period of a person to the extent that that amount was included in that total for a preceding reporting period of the person.

An amount must not be included in the total described in subparagraph 2 of the second paragraph of section 477.11 for a reporting period of a person to the extent that that amount was included as a deduction in that total for a preceding reporting period of the person.

"§4. — *Tax remittance*

"**477.13.** A person who is required to file a return under section 477.10 shall determine in that return the person's specified net tax for the reporting period.

If the specified net tax for a reporting period of a person is a positive amount, the person shall remit that amount to the Minister, in the manner determined by the Minister, on or before the day on which the person is required to file the return for that period.

If the specified net tax for a reporting period of a person is a negative amount, the person may, in the return for that period, claim that amount as a specified net tax refund. That amount is payable to the person by the Minister.

"**477.14.** The Minister shall pay, with all due dispatch, the specified net tax refund that is payable to a person who claims the refund under the third paragraph of section 477.13.

Where the person has elected, under the third paragraph of section 477.15, to determine the amount of the person's specified net tax in a foreign currency, the Minister shall make the payment in that currency.

However, the Minister is required to pay the refund to the person only if the Minister considers that all the information that was to be given by the person on the person's application for registration pursuant to this chapter has been provided and is accurate.

"**477.15.** Where in a reporting period a person collects, under section 477.6, the tax payable in respect of a supply, the consideration for the supply is expressed in foreign currency and the person does not make the election under the third paragraph for the reporting period, the following rules apply:

(1) section 56 does not apply in respect of the consideration for the supply; and

(2) for the purpose of determining the amount of the person's specified net tax for the reporting period under section 477.11, the value of the consideration for the supply must be converted into Canadian currency using the exchange rate applicable on the last day of the reporting period or any other conversion method acceptable to the Minister.

For the purposes of subparagraph 2 of the first paragraph, the method for converting into Canadian currency used by a person for the purpose of determining the amount of the person's specified net tax for a reporting period must be used consistently for at least 24 months.

A person who is required, under the first paragraph of section 477.13, to determine the amount of the person's specified net tax for a reporting period may elect to determine the amount, in the return for that reporting period, in a prescribed foreign currency. In such a case, the amount to be remitted to the Minister by the person, if applicable, under the second paragraph of section 477.13 for the reporting period must be remitted in that same prescribed foreign currency.

"§5. — *Adjustment or refund*

"**477.16.** Despite section 447, a person registered under Division II who, in a reporting period, has charged to, or collected from, another person registered under Division I of Chapter VIII an amount as or on account of tax under section 16 that exceeds the tax the person was required to collect from the other person shall, within two years after the day on which the amount was charged or collected,

(1) adjust the amount of tax charged, if the excess amount was charged but not collected; or

(2) refund or credit the excess amount to the other person, if it was collected.

Where the person has adjusted, refunded or credited an amount in favour of, or to, the other person in accordance with the first paragraph, the following rules apply:

(1) the person shall, within a reasonable time, issue to the other person a credit note for the amount of the adjustment, refund or credit; and

(2) the amount may be deducted in determining the person's specified net tax for the person's reporting period in which the credit note is issued to the other person, to the extent that the amount has been included in determining the person's specified net tax for the reporting period, or a preceding reporting period, of the person.

"**477.17.** Subject to the third and fourth paragraphs, a person who is resident in Canada and is the recipient of a particular supply of incorporeal movable property or a service made remotely by a foreign specified supplier is entitled to a rebate of the tax paid by the person under section 16 in respect of the supply equal to the amount determined by the formula

$A \times B$.

For the purposes of the formula in the first paragraph,

(1) A is the amount of the tax; and

(2) B is the extent, expressed as a percentage, to which the incorporeal movable property or service is acquired by the person for consumption, use or supply in a participating province within the meaning of subsection 1 of section 123 of the Excise Tax Act (Revised Statutes of Canada, 1985, chapter E-15).

No person is entitled to a rebate under the first paragraph in respect of a particular supply unless the person has paid tax under section 218.1 of the Excise Tax Act in respect of the particular supply and submits to the Minister evidence of the payment of that tax that is satisfactory to the Minister.

However, no rebate provided for in the first paragraph is paid to a person that, at the time that tax under section 16 in respect of the particular supply was paid, was a listed financial institution described in paragraph 6 or 9 of the definition of "listed financial institution" in section 1 or a selected listed financial institution.

"**477.18.** No rebate provided for in section 353.0.3 is paid to a person who has paid tax under section 16 in respect of a supply referred to in the first paragraph of section 477.17.

"**DIVISION V**

"PENALTY

"**477.19.** The recipient of a supply of movable property or a service who evades or attempts to evade the payment of tax under section 16 in respect of the supply by providing false information to a person referred to in section 477.6 shall incur a penalty equal to the greater of $100 and 50% of the amount the payment of which the recipient evaded or attempted to evade."

79. Section 677 of the Act is amended by inserting the following subparagraph after subparagraph 50.1.1 of the first paragraph:

"(50.1.2) determine, for the purposes of section 477.15, the prescribed foreign currencies;".

REGULATION RESPECTING THE QUÉBEC SALES TAX

80. The Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended by inserting the following after section 473.1.1R1:

"PRESCRIBED FOREIGN CURRENCIES

"**477.15R1.** For the purposes of section 477.15 of the Act, the following currencies are prescribed foreign currencies:

(1) the U.S. dollar; and

(2) the euro."

DIVISION IV

SPECIAL PROVISION

81. The Minister of Revenue may establish and implement a transitional financial compensation program to subsidize the costs of acquiring and installing the equipment referred to in section 350.61 of the Act respecting the Québec sales tax (chapter T-0.1), enacted by section 59.

CHAPTER III

REGULATING TOURIST ACCOMMODATION ESTABLISHMENTS

DIVISION I

SUPERVISION

ACT RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

82. Section 7 of the Act respecting tourist accommodation establishments (chapter E-14.2) is amended, in the third paragraph,

(1) by inserting ", a type of residence" after "class of establishment";

(2) by inserting "in accordance with the terms specified in the regulation" after "provisions".

83. Divisions IV and IV.1 of the Act, comprising sections 32.2 to 35.3, are repealed.

84. Section 37 of the Act is amended

(1) by replacing "or 32 or of the first paragraph of section 34" in paragraph 5 by "or 32";

(2) by striking out paragraph 7.

85. Section 55 of the Act is amended by replacing "The" by "Subject to section 55.1, the".

86. The Act is amended by inserting the following section after section 55:

"**55.1.** The Minister of Revenue is responsible for inspections and investigations relating to the enforcement of this Act and the regulations and for the administration of Division VI; for those purposes, this Act is deemed to be a fiscal law for the purposes of the Tax Administration Act (chapter A-6.002)."

TAX ADMINISTRATION ACT

87. Section 60.4 of the Tax Administration Act (chapter A-6.002) is amended by replacing "or any of sections 350.55, 350.56 and 350.56.1" by ", any of sections 350.55, 350.56 and 350.56.1, paragraph 2 of section 350.62 or any of sections 541.25 to 541.28, 541.30 and 541.32".

ACT RESPECTING THE QUÉBEC SALES TAX

88. Section 541.23 of the Act respecting the Québec sales tax (chapter T-0.1) is amended

(1) by replacing the definition of "sleeping-accommodation establishment" by the following definition:

""sleeping-accommodation establishment" means an establishment in which at least one accommodation unit is offered for rent to tourists, in return for payment, for a period not exceeding 31 days, on a regular basis in the same calendar year, the availability of which unit is made public;";

(2) by replacing the definition of "ready-to-camp unit" by the following definition:

""ready-to-camp unit" means a structure installed on a platform, on wheels or directly on the ground, and provided with the equipment necessary to stay there, including self-catering kitchen facilities;";

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

"For the purposes of the definition of "sleeping-accommodation establishment" in the first paragraph, a group of movables and immovables, adjacent or grouped together, having accessories or dependencies in common, may constitute a single sleeping-accommodation establishment provided that the movables and immovables composing it are operated by the same person and are all the same type of prescribed sleeping-accommodation establishment referred to in the first paragraph of section 541.24."

REGULATION RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

89. Section 16.1 of the Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1) is replaced by the following section:

"**16.1.** The regulatory provision referred to in section 36.2 of the Act respecting tourist accommodation establishments (chapter E-14.2) is any of sections 11.1, 11.2, 13.1 and 16."

DIVISION II

TAX ON LODGING

TAX ADMINISTRATION ACT

90. Section 69.0.0.1 of the Tax Administration Act (chapter A-6.002) is amended by adding the following paragraph at the end:

"In the case of a person referred to in section 541.31.1 of the Act respecting the Québec sales tax (chapter T-0.1), the date on which the cancellation of the person's registration is scheduled to become effective is public information as well."

ACT RESPECTING THE QUÉBEC SALES TAX

91. Section 541.23 of the Act respecting the Québec sales tax (chapter T-0.1) is amended

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

""supplier" has the meaning assigned by section 1;";

(2) by inserting the following definition in alphabetical order:

""digital accommodation platform" means a digital platform through which a person brings together the supplier of an accommodation unit and a recipient, provides a framework for their interaction and manages their financial transactions;";

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

"For the purposes of the definition of "sleeping-accommodation establishment" in the first paragraph, an accommodation unit offered for rent through a digital accommodation platform operated by a person who is a registrant under this Title is deemed to be offered for rent on a regular basis in the same calendar year."

92. Section 541.24 of the Act is amended

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

"(1) where the supply is made by the operator of a sleeping-accommodation establishment and is not a supply to which subparagraph 2.1 applies, a tax computed at the rate of 3.5% of the value of the consideration for the overnight stay;

"(2) where the supply is made by an intermediary and is not a supply to which subparagraph 2.1 or 2.2 applies, a specific tax equal to $3.50 per overnight stay for each unit;

"(2.1) where the supply is made through a digital accommodation platform operated by a person who is a registrant under this Title, a tax computed at the rate of 3.5% of the value of the consideration for the overnight stay; or

"(2.2) where the supply is made by an intermediary, the initial supply of the accommodation unit by the operator of a sleeping-accommodation establishment was made through a digital accommodation platform operated by a person who is a registrant under this Title and the unit is not supplied again by an intermediary through such a platform, a tax equal to the amount that is 3.5% of the value of the consideration for the overnight stay received for the initial supply of the unit.";

(2) by replacing "subparagraph 1" in the second paragraph by "subparagraphs 1 and 2.1".

93. Section 541.25 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

"The operator of a sleeping-accommodation establishment or the intermediary who receives an amount from a person other than a customer for the supply of such an accommodation unit shall, as a mandatary of the Minister, collect, at that time, an amount that is equal to the tax or would be equal to the tax if subparagraph 2.1 of the first paragraph of section 541.24 were read as if "a tax computed at the rate of 3.5% of the value of the consideration for the overnight stay" were replaced by "a specific tax equal to $3.50 per overnight stay for each unit".

However, the operator of a sleeping-accommodation establishment or the intermediary who makes a supply of such an accommodation unit through a digital accommodation platform operated by a person is not required to collect the tax or the amount referred to in the second paragraph in respect of the supply if the bill is issued by the person at a time when the person's registration is effective.

A person operating a digital accommodation platform who receives an amount for the supply of such an accommodation unit shall, as a mandatary of the Minister, collect, at that time, where the amount is received from a customer, the tax or, where the amount is received from a person other than a customer, an amount computed at the rate of 3.5% of the value of the consideration for the overnight stay (in this chapter referred to as the "particular amount"), if

(1) the supply of the unit is made through the person's digital accommodation platform; and

(2) the bill is issued by the person at a time when the person's registration is effective.

Despite the second paragraph, the intermediary who receives an amount from a person other than a customer for the supply of such an accommodation unit shall, as a mandatary of the Minister, if the initial supply of the unit has been made through a digital accommodation platform operated by a person who is a registrant under this Title and the unit has not been supplied again through such a platform, collect, at that time, an amount equal to the particular amount that was or should have been collected by the latter person in respect of the initial supply.

The operator of a sleeping-accommodation establishment or the intermediary who makes a supply of such an accommodation unit for no consideration, otherwise than through a digital accommodation platform, shall, as a mandatary of the Minister, collect, at the time the supply is made,

(1) where the supply is made to a customer by an intermediary, the tax provided for in subparagraph 2 of the first paragraph of section 541.24;

(2) where the supply is made to a person other than a customer, an amount equal to the tax provided for in subparagraph 2 of the first paragraph of section 541.24;

(3) where the supply is made to a customer by an intermediary, the initial supply of the accommodation unit by the operator of a sleeping-accommodation establishment was made through a digital accommodation platform operated by a person who is a registrant under this Title and the unit has not been supplied again by an intermediary through such a platform, the tax provided for in subparagraph 2.2 of the first paragraph of section 541.24; or

(4) where the supply is made to a person other than a customer by an intermediary, the initial supply of the accommodation unit by the operator of a sleeping-accommodation establishment was made through a digital accommodation platform operated by a person who is a registrant under this Title and the unit has not been supplied again by an intermediary through such a platform, an amount equal to the amount that was or should have been collected by the person in respect of the initial supply.

The rules set out in the second and third paragraphs of section 541.24 apply to the fourth paragraph."

94. Section 541.26 of the Act is replaced by the following section:

"**541.26.** Every person who is required to collect the tax or any of the amounts referred to in section 541.25 shall keep an account thereof and, on or before the last day of the month following the end of each calendar quarter, render an account to the Minister, in the prescribed form containing prescribed information, of the tax or any of those amounts that the person has collected or should have collected for the preceding calendar quarter and, therewith, remit the tax or amount to the Minister.

A person shall render an account to the Minister even if no amount relating to the supply of an accommodation unit giving rise to the tax or to any of the amounts referred to in section 541.25 was received during the calendar quarter.

However, a person is not required to render an account to the Minister, unless the latter demands it, or to remit the tax or the amount referred to in the second paragraph of section 541.25 in respect of the supply of an accommodation unit that the person has acquired from another person, where the person has remitted, in respect of the supply,

(1) an amount referred to in the second paragraph of section 541.25 to that other person; or

(2) a particular amount where it is equal to or greater than the tax or the amount referred to in subparagraph 1 that the person is required to collect.

In addition, where the initial supply of an accommodation unit by the operator of a sleeping-accommodation establishment was made through a digital accommodation platform operated by a person who is a registrant under this Title and the accommodation unit has not been supplied again by an intermediary through such a platform, the intermediary who acquired the accommodation unit from the operator or another intermediary is not required to render an account to the Minister, unless the latter demands it, or to remit, in respect of the supply of that unit, the tax referred to in subparagraph 2.2 of the first paragraph of section 541.24 or the amount that the intermediary has collected under the fifth paragraph of section 541.25 where the intermediary has remitted, in respect of the supply, the particular amount or an amount equal to that amount, as the case may be.

An amount that a person is required to collect in accordance with section 541.25 is deemed to be a duty within the meaning of the Tax Administration Act (chapter A-6.002)."

95. Section 541.27 of the Act is amended by replacing the first paragraph by the following paragraphs:

"Where a person reimburses the total amount paid for an overnight stay in an accommodation unit to another person, the person shall also reimburse the tax or any of the amounts referred to in section 541.25 that the person has collected in its respect.

Where the person reimburses part of the amount paid for an overnight stay in an accommodation unit, the person shall also reimburse the tax provided for in subparagraph 1 or 2.1 of the first paragraph of section 541.24, or the particular amount, the person collected in respect of that part."

96. The Act is amended by inserting the following section after section 541.27:

"**541.27.1.** Where a person referred to in the fourth paragraph of section 541.25 collects from a customer or a person other than a customer an amount as or on account of the tax or a particular amount, as the case may be, in excess of the amount the person was required to collect, and renders an account of and remits the amount to the Minister, the person may, within four years after the day the amount was collected, reimburse the excess amount to the other person.

The reimbursement is deducted from the amount of the tax and the particular amounts collected by the person for the reporting period in which the person makes the reimbursement."

97. Sections 541.28 to 541.30 of the Act are replaced by the following sections:

"**541.28.** Every person required to remit the tax or the amount referred to in the second paragraph of section 541.25 to the Minister, unless the person is an intermediary, is required to register and to hold a registration certificate issued in accordance with section 541.30.

"**541.29.** Every person required to register under section 541.28 who, immediately before the particular day on which the tax provided for in this Title becomes applicable, holds a registration certificate issued under Title I is deemed, for the purposes of this Title, to hold, on the particular day, a registration certificate issued in accordance with section 541.30.

"**541.30.** Every person required to register under section 541.28 shall apply to the Minister for registration before the day on which the person is first required to collect the tax or the amount referred to in the second paragraph of section 541.25.

For the purposes of the first paragraph and section 541.28, sections 412, 415 and 415.0.4 to 415.0.6 apply, with the necessary modifications."

98. The Act is amended by inserting the following section after section 541.30:

"**541.30.1.** A person who operates a digital accommodation platform may apply to the Minister for registration.

For the purposes of the first paragraph, sections 412 and 415 apply, with the necessary modifications."

99. The Act is amended by inserting the following section after section 541.31:

"**541.31.1.** Where a person who operates a digital accommodation platform files with the Minister a request for the cancellation of the person's registration as of a particular date, the Minister cancels the registration from that date if the request was filed with the Minister in writing at least 60 days before that date.

Where the obligations arising from the application of this Title have not been met by a person who operates a digital accommodation platform, the Minister may cancel the person's registration after giving the person a written notice of at least 60 days before the cancellation becomes effective.

Where the Minister cancels a person's registration under the first or second paragraph, the Minister shall give the person a written notice of the cancellation and of the date on which it becomes effective.

The person whose registration is cancelled shall, within 30 days after the date on which the cancellation becomes effective, render an account to the Minister of the tax and the particular amounts that were or should have been collected by the person and, at that time, remit them to the Minister."

100. Section 541.32 of the Act is amended by replacing the portion before subparagraph 1 of the second paragraph by the following:

"**541.32.** Every person required under section 541.25 to collect the tax or another amount shall indicate the tax or the amount on the invoice, receipt, writing or other document recording the amount paid or payable for an accommodation unit.

However, where subparagraph 1 or 2.1 of the first paragraph of section 541.24 or the fourth paragraph of section 541.25 applies, the person shall indicate the amount of the tax separately and specify that the amount is the 3.5% tax on lodging if".

DIVISION III

SPECIAL TRANSITIONAL PROVISIONS

101. Subject to the conditions of employment applicable to them, employees of the Ministère du Tourisme who are assigned inspection or investigation duties relating to the enforcement of the Act respecting tourist accommodation establishments (chapter E-14.2) and are identified by the Deputy Minister of Tourism on 12 June 2018 become, from 11 August 2018, employees of the Agence du revenu du Québec.

102. An employee transferred to the Agence du revenu du Québec under section 101 may apply for a transfer to a position in the public service or enter a promotion-only qualification process for such a position in accordance with the Public Service Act (chapter F-3.1.1) if, at the time of the employee's transfer to the Agency, the employee was a public servant with permanent tenure.

Section 35 of the Public Service Act applies to an employee who enters a promotion-only qualification process.

103. An employee referred to in section 102 who applies for a transfer or enters a promotion-only qualification process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification that the employee had in the public service on the date of transfer, as well as the years of experience and the level of schooling attained while in the employ of the Agence du revenu du Québec.

If an employee is transferred into the public service under section 102, the deputy minister or the chief executive officer of the body assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

If an employee is promoted under section 102, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

104. If some or all of the operations of the Agence du revenu du Québec are discontinued, an employee referred to in section 101 who had permanent tenure on the date of his or her transfer to the Agency is entitled to be placed on reserve in the public service with the same classification the employee had on the date of the transfer.

If only some of those operations are discontinued, the employee continues to exercise his or her functions within the Agency until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

When placing an employee under this section, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 103.

105. An employee with permanent tenure referred to in section 101 who, in accordance with the conditions of employment applicable to him or her, refuses to be transferred to the Agence du revenu du Québec is temporarily assigned to the Agency until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

106. Subject to remedies available under a collective agreement, an employee referred to in section 101 who is dismissed may bring an appeal under section 33 of the Public Service Act if, on the date of his or her transfer to the Agence du revenu du Québec, the employee had permanent tenure.

107. The records and other documents of the Ministère du Tourisme relating to the administration of Divisions IV and IV.1 of the Act respecting tourist accommodation establishments, as they read before being repealed, as well as any software and computer applications used for the administration of those divisions are transferred to the Agence du revenu du Québec.

108. The rights and obligations of the Minister of Tourism under Divisions IV and IV.1 of the Act respecting tourist accommodation establishments, as they read before being repealed, continue to be exercised and performed, from 12 June 2018, by the Minister of Revenue.

CHAPTER IV

INSTITUT DE TOURISME ET D'HÔTELLERIE DU QUÉBEC

DIVISION I

AMENDING PROVISIONS

GENERAL AND VOCATIONAL COLLEGES ACT

109. Section 17.2 of the General and Vocational Colleges Act (chapter C-29) is amended by adding the following paragraph at the end:

"For the purposes of this section, the Institut de tourisme et d'hôtellerie du Québec is considered to be a college."

110. Section 25 of the Act is amended by adding the following paragraph at the end:

"Such rules may also provide for the allocation of subsidies to the Institut de tourisme et d'hôtellerie du Québec to establish and maintain a college centre for technology transfer. In such a case, the Minister shall also consult the institute before establishing the rules."

ACT RESPECTING THE INSTITUT DE TOURISME ET D'HÔTELLERIE DU QUÉBEC

111. Section 5 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec (chapter I-13.02) is amended

(1) by replacing "7" and "11" in the first paragraph by "11" and "15", respectively;

(2) by adding the following sentences at the beginning of the second paragraph: "One member of the board shall be a director of the institute designated by the member's peers. One member of the board shall be a teacher at the institute designated by the member's peers."

112. Section 7 of the Act is amended

(1) by replacing "two" in the first paragraph by "three";

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

"Board members may be reappointed twice to serve in that capacity only for a consecutive or non-consecutive term.

In addition to terms served as a board member, the chair of the board may be reappointed twice to serve in that capacity for a consecutive or non-consecutive term."

113. Section 14 of the Act is replaced by the following section:

"**14.** The other staff members of the institute shall be appointed in accordance with the staffing plan and the standards it establishes.

Subject to the provisions of a collective agreement, the institute shall determine the standards and scales of remuneration, employment benefits and other conditions of employment of its staff members in accordance with the conditions defined by the Government."

114. Section 17 of the Act is amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

"(2.1) establish a college centre for technology transfer in accordance with the third paragraph of section 17.2 of the General and Vocational Colleges Act (chapter C-29);".

115. Section 19 of the Act is amended by adding the following paragraphs at the end:

"The Minister may also, on the conditions determined by the Minister, authorize the institute to award the degrees, diplomas, certificates or other attestations of university studies to which a university-level program leads.

The Minister may determine the necessary information, analyses and documents the institute must provide to the Minister before it applies for authorization under this section."

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

116. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting the following in alphabetical order:

"— The Institut de tourisme et d'hôtellerie du Québec".

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

117. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing "the Institut du tourisme et de l'hôtellerie du Québec, in respect of employees of the Adult Education Service" in paragraph 1 by "the Institut de tourisme et d'hôtellerie du Québec".

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

118. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by replacing "the Institut du tourisme et de l'hôtellerie du Québec, in respect of employees of the Adult Education Service" in paragraph 1 by "the Institut de tourisme et d'hôtellerie du Québec".

DIVISION II

SPECIAL TRANSITIONAL PROVISIONS

119. Subject to the conditions of employment applicable to them, staff members of the Institut de tourisme et d'hôtellerie du Québec in office on 9 September 2018 are, from 10 September 2018, deemed to be appointed in accordance with section 14 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec (chapter I-13.02), as replaced by section 113.

120. The appointment of institute employees under section 119 is deemed to constitute the alienation of an undertaking or enterprise for the purposes of sections 45 and 46 of the Labour Code (chapter C-27) and article 2097 of the Civil Code.

121. Any employee of the institute referred to in section 119 may apply for a transfer to a position in the public service or enter a promotion-only qualification process in accordance with the Public Service Act (chapter F-3.1.1) if, on 9 September 2018, the employee was a public servant with permanent tenure.

Section 35 of the Public Service Act applies to an employee who participates in such a promotion-only qualification process.

122. An employee referred to in section 121 who applies for a transfer or enters a promotion-only qualification process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification that the employee had in the public service on 9 September 2018, as well as the years of experience and the level of schooling attained while deemed to be appointed in accordance with section 14 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec, as replaced by section 113.

If an employee is transferred into the public service under section 121, the deputy minister or chief executive officer the employee comes under assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

If an employee is promoted under section 121, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

123. If some or all of the institute's activities are discontinued, an employee referred to in section 119 who was a public servant with permanent tenure on 9 September 2018 is entitled to be placed on reserve in the public service with the same classification the employee had on that date.

If some of the institute's activities are discontinued, the employee placed on reserve continues to exercise his or her functions within the institute until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

When placing an employee who is placed on reserve, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 122.

124. A public servant with permanent tenure of the institute who, in accordance with the conditions of employment applicable to him or her, is placed on reserve in the public service before 9 September 2018 is assigned to the institute until the Chair of the Conseil du trésor is able to place the employee in accordance with section 100 of the Public Service Act.

125. Subject to remedies available under a collective agreement, an employee referred to in section 119 who is dismissed may bring an appeal under section 33 of the Public Service Act if, on 9 September 2018, the employee was a public servant with permanent tenure.

126. The members of the board of directors of the Institut de tourisme et d'hôtellerie du Québec in office on 10 September 2018 continue in office on the same terms, for the unexpired portion of their term.

CHAPTER V

MONITORING OF TRANSACTIONS ON IMMOVABLES

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

127. Section 9 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended by adding the following paragraph at the end:

"In addition, the information determined by government regulation, on the recommendation of the Minister of Finance and the minister responsible for natural resources, must be entered on the form made available for presenting an application for registration in the land register under the third paragraph of article 2982 of the Civil Code. Such information is collected for the purposes of the development, by the Minister of Finance, of economic, fiscal, budgetary and financial policies in accordance with section 2 of the Act respecting the Ministère des Finances (chapter M-24.01)."

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

128. Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following paragraph after paragraph 17.7:

"(17.8) collecting the information referred to in the third paragraph of section 9 of the Act respecting duties on transfers of immovables (chapter D-15.1), compiling it and sending it to the Minister of Finance in the manner agreed on with that Minister;".

129. Section 17.4 of the Act is amended by replacing "and 17.7" in the first paragraph by ", 17.7 and 17.8".

CHAPTER VI

OTHER PROVISIONS

FINANCIAL ADMINISTRATION ACT

130. Section 16 of the Financial Administration Act (chapter A-6.001) is amended by inserting "or of any other body or category of bodies designated by the Government" after "section 77" in the portion before subparagraph 1 of the first paragraph.

131. Section 78 of the Act is amended by inserting "and according to the conditions determined by the Government, if applicable" after "their power to borrow".

ACT TO ESTABLISH THE FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE

132. The Act to establish the Fund for the Promotion of a Healthy Lifestyle (chapter F-4.0021) is repealed.

ACT TO ESTABLISH THE SPORTS AND PHYSICAL ACTIVITY DEVELOPMENT FUND

133. Section 5 of the Act to establish the Sports and Physical Activity Development Fund (chapter F-4.003) is amended

(1) by replacing "$60,000,000" in the first paragraph by "$70,000,000";

(2) by replacing "$8,000,000" and "$5,000,000" in the second paragraph by "$69,000,000" and "$68,000,000", respectively.

CHAPTER VII

FINAL PROVISIONS

134. Section 58 and paragraph 1 of section 60 have effect from 1 July 2017 and sections 90 to 100 have effect from 29 August 2017.

135. This Act comes into force on 12 June 2018, except

(1) sections 1, 3 and 6, paragraph 2 of section 9 and sections 13 and 33 to 43, which come into force on 27 July 2018;

(2) sections 111, 113 and 116 to 126, which come into force on 10 September 2018;

(3) sections 61 to 74 and 76 to 80, which come into force on

(*a*) 1 January 2019, in respect of

i. a foreign specified supplier; and

ii. a person who operates a specified digital platform, but only in respect of a supply made by a foreign specified supplier through the platform; or

(*b*) 1 September 2019, in respect of

i. a Canadian specified supplier; and

ii. a person who operates a specified digital platform, but only in respect of a supply made by a specified supplier, other than a foreign specified supplier, through the platform;

(4) section 75, which comes into force on 1 September 2019; and

(5) sections 2, 4, 5, 7 and 8, paragraph 1 of section 9, sections 10 to 12 and 14 to 27, paragraphs 4 to 6 of section 28, paragraphs 2, 3 and 4 of section 29, section 30, paragraphs 2, 4 and 5 of section 31, sections 32, 54 to 57 and 59, paragraph 2 of section 60, and section 87 to the extent that it amends section 60.4 of the Tax Administration Act (chapter A-6.002) to refer to paragraph 2 of section 350.62 of the Act respecting the Québec sales tax (chapter T-0.1), which come into force on the date or dates to be set by the Government.

AN ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER REGULATE THE DIGITAL ECONOMY AS REGARDS E-COMMERCE, REMUNERATED PASSENGER TRANSPORTATION AND TOURIST ACCOMMODATION AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

TABLE OF CONTENTS

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 157
(2018, chapter 19)

An Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions

Introduced 16 November 2017
Passed in principle 13 February 2018
Passed 12 June 2018
Assented to 12 June 2018

Québec Official Publisher
2018

EXPLANATORY NOTES

This Act constitutes the Société québécoise du cannabis (SQDC), a capital stock company that is a subsidiary of the Société des alcools du Québec and whose purpose is to ensure the sale of cannabis from a health protection perspective in order to integrate consumers into, and maintain them in, the legal market without encouraging cannabis consumption. Among other things, the Act specifies the rules applicable to the SQDC in matters of governance and human resources, in particular by putting in place a security clearance process for SQDC directors and employees. Other provisions pertain to the SQDC's financing. The Act also establishes the Cannabis Sales Revenue Fund at the Ministère des Finances.

The Act then enacts the Cannabis Regulation Act. The enactment contains various measures regarding cannabis possession and cultivation for personal purposes, among which are the prohibition against minors possessing cannabis and the prohibition against anyone cultivating cannabis for personal purposes in a dwelling-house. The Cannabis Regulation Act essentially prohibits cannabis smoking in the same places where tobacco use is prohibited. It also prohibits cannabis production for commercial purposes in Québec, except in the case of a cannabis producer who has the qualifications and meets the conditions determined by the Government. As well, it provides that the Government may establish standards relating to the composition and characteristics of cannabis.

The Cannabis Regulation Act identifies the sole persons who are authorized to transport and store cannabis for commercial purposes. It also establishes that only the SQDC and cannabis producers may sell cannabis. However, it specifies that a producer may sell cannabis only to the SQDC, after obtaining an authorization to contract from the Autorité des marchés publics, or to another producer, unless the cannabis is shipped outside Québec. The Act sets the conditions applicable to the retail sale of cannabis by the SQDC, including by setting the minimal distance required between an educational institution providing preschool education services or elementary or secondary school instructional services and a cannabis retail outlet, requiring SQDC employees to hold a certificate confirming successful completion of training on the sale of cannabis, prohibiting minors from being admitted to cannabis retail outlets, limiting the products the SQDC may sell and requiring that cannabis be visible only from the inside of cannabis retail outlets.

The Cannabis Regulation Act moreover specifies the rules applicable to cannabis, advertising, promotion and packaging. It gives the Government the power to authorize the implementation by the Minister of Health and Social Services of pilot projects which, however, may not pertain to the retail sale of cannabis. The Act also gives the Government the power to enter into agreements with Aboriginal communities for the purpose of adapting the matters within the scope of its provisions to Aboriginal realities. In addition, it allows the financing, through dedicated funds, of cannabis-related activities, programs and care by establishing the Cannabis Prevention and Research Fund at the Ministère de la Santé et des Services sociaux. It establishes an oversight committee entrusted with advising the Minister of Health and Social Services on any cannabis-related matter and, more particularly, with evaluating the application of the measures provided for by law as well as the activities of the SQDC. It includes certain provisions for monitoring the measures it introduces, notably inspection powers, and contains penal provisions.

Lastly, the Act amends the Highway Safety Code and other transportation-related laws to adapt them to the new federal legislation, which more particularly proposes a substantial revision of the section of the Criminal Code on transportation-related offences in connection with alcohol and drug consumption. In that context, the Act introduces a new zero tolerance principle for drugs by prohibiting any person from driving or having the care or control of a road vehicle if there is a detectable presence of cannabis or any other drug in the person's saliva. It also sets forth new control and penalty mechanisms. It thus allows a peace officer who reasonably suspects the presence of cannabis or any other drug in a person's body to order the person to immediately provide such samples of saliva as in the officer's opinion are necessary to enable a proper analysis to be made by means of approved screening equipment. The officer is to immediately suspend, for 90 days, the licence of any person driving or having the care or control of a road vehicle in such cases as when the saliva screening test conducted shows that cannabis or any other drug is present in the person's body.

LEGISLATION AMENDED BY THIS ACT:

– Automobile Insurance Act (chapter A-25);

– Cities and Towns Act (chapter C-19);

– Highway Safety Code (chapter C-24.2);

– Municipal Code of Québec (chapter C-27.1);

– Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);

– Act respecting administrative justice (chapter J-3);

– Tobacco Control Act (chapter L-6.2);

– Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

– Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

– Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

– Act respecting occupational health and safety (chapter S-2.1);

– Act respecting transportation services by taxi (chapter S-6.01);

– Act respecting the Société des alcools du Québec (chapter S-13);

– Courts of Justice Act (chapter T-16);

– Act respecting off-highway vehicles (chapter V-1.2);

– Act to amend the Highway Safety Code and other provisions (2018, chapter 7).

LEGISLATION ENACTED BY THIS ACT:

– Cannabis Regulation Act (2018, chapter 19, section 19).

REGULATIONS AMENDED BY THIS ACT:

– Regulation under the Tobacco Control Act (chapter L-6.2, r. 1);

– Safety Code for the construction industry (chapter S-2.1, r. 4).

Bill 157

AN ACT TO CONSTITUTE THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS, TO ENACT THE CANNABIS REGULATION ACT AND TO AMEND VARIOUS HIGHWAY SAFETY-RELATED PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

CONSTITUTION OF THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

CHAPTER I

AMENDMENTS TO THE ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

1. The heading of Division II of the Act respecting the Société des alcools du Québec (chapter S-13) is replaced by the following heading:

"MISSION AND POWERS".

2. Section 16 of the Act is amended

(1) by replacing "function" and "it may" in the first paragraph by "mission" and "the Société may", respectively;

(2) by replacing "exercise its functions and powers" in the second paragraph by "carry out its mission and exercise its powers".

3. The Act is amended by inserting the following section after section 16:

"**16.1.** The Société's mission is also to ensure the sale of cannabis in accordance with the Cannabis Regulation Act (2018, chapter 19, section 19) and from a health protection perspective, in order to integrate consumers into, and maintain them in, the legal market without encouraging cannabis consumption.

The Société carries out that mission exclusively through the Société québécoise du cannabis constituted under section 23.1."

4. Section 17 of the Act is amended, in the first paragraph,

(1) by replacing "for carrying out its functions" in the introductory clause by "to accomplish its alcoholic beverages trading mission";

(2) by replacing "for the carrying out of its functions" in subparagraph *b* by "to carry out its mission".

5. Section 20 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) acquire, construct or assign an immovable in excess of the limits or contrary to the terms and conditions determined by the Government; or".

6. The Act is amended by inserting the following division after section 23:

"**DIVISION II.1**

"SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

"§1. — *Constitution and powers*

"**23.1.** A joint stock company to be known as the "Société québécoise du cannabis" is constituted.

The Société québécoise du cannabis is a subsidiary of the Société.

It is designated in this division as "the Subsidiary" and may also be designated by the initialism "SQDC".

"**23.2.** The Subsidiary's purpose is to carry out the Société's mission as regards the sale of cannabis. To that end, it may, in particular,

(1) buy cannabis that meets the standards provided for in section 44 of the Cannabis Regulation Act (2018, chapter 19, section 19) or the regulations and that is produced for commercial purposes by a cannabis producer authorized by the Autorité des marchés publics in accordance with section 26 of that Act;

(2) operate cannabis retail outlets;

(3) sell cannabis over the Internet;

(4) authorize a person to engage, on the Subsidiary's behalf, in the transportation, including the delivery, and storage of the cannabis that the Subsidiary sells; and

(5) inform consumers about cannabis-related health risks, promote responsible cannabis consumption, raise awareness of the appropriate assistance resources and direct persons who wish to stop using cannabis to those resources.

Cannabis purchases by the Subsidiary may be made preferentially from producers situated in the territory of Québec, to the extent allowed by the intergovernmental and international commercial agreements entered into by Québec or to which Québec has declared itself bound in accordance with the Act respecting the Ministère des Relations internationales (chapter M-25.1.1).

The Minister may set the parameters on the basis of which the Subsidiary must determine the sale price of cannabis.

"**23.3.** In no case may the Subsidiary, without the authorization of the Government,

(1) make a financial commitment in excess of the limits, terms and conditions fixed by the Government;

(2) acquire, construct or assign an immovable in excess of the limits or contrary to the terms and conditions determined by the Government; or

(3) contract a loan which brings the total amount of its outstanding borrowings to an amount greater than that fixed by the Government.

"**23.4.** The Subsidiary may not constitute subsidiaries of its own nor may it acquire or hold equity securities in another legal person or a partnership.

"**23.5.** Sections 19, 21 and 22 apply to the Subsidiary, with the necessary modifications.

"§2. — *Organization and operation*

"I. — *Board of directors*

"**23.6.** The Subsidiary's board of directors is composed of 9 to 11 members, including the chair of the board and the president and chief executive officer.

The Société shall appoint the members of the board of directors, other than the chair of the board and the president and chief executive officer, based on the expertise and experience profiles established by the board. The board must include members who collectively have significant expertise or experience in public health, education, substance abuse and youth intervention.

The members of the board are appointed for a term of up to four years.

The Minister of Municipal Affairs, Regions and Land Occupancy, the Minister of Finance, the Minister of Health and Social Services and the Minister of Public Security shall each designate an observer to the board. The observers shall participate in board meetings, but shall not have the right to vote.

"**23.7.** A person may not be appointed as a member of the board of directors or remain a member of the board if the person has been found guilty of an offence listed in Schedule I, unless the person has obtained a pardon.

Likewise, a person may not be appointed as a member of the board of directors or remain a member of the board if, in the Société's opinion, the person does not have the integrity necessary to hold such an office within the Subsidiary.

The verifications required for the purposes of the first and second paragraphs are conducted in accordance with the security clearance process set out in subdivision 4.

The Government may amend Schedule I.

"**23.8.** A vacancy on the board of directors shall be filled in accordance with the rules of appointment to the board.

Non-attendance at a number of board meetings determined by by-law of the Subsidiary constitutes a vacancy in the cases and circumstances specified by by-law.

"**23.9.** The Société shall appoint the chair of the board of directors for a term of up to five years.

"**23.10.** The members of the board of directors, other than the president and chief executive officer, are not remunerated, except in the cases, on the conditions and to the extent determined by the Government.

However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

"**23.11.** Each member of the board of directors shall remain in office, despite the expiry of the member's term, until reappointed or replaced.

"**23.12.** The minutes of the sittings of the board of directors approved by it and certified true by the chair of the board, the president and chief executive officer, the secretary or any other person authorized to do so by by-law of the Subsidiary are authentic. The same applies to documents or copies emanating from the Subsidiary or forming part of its records when they are so certified.

"II. — *President and chief executive officer*

"**23.13.** The Société shall appoint the president and chief executive officer on the recommendation of the board of directors, based on the expertise and experience profile established by the Subsidiary.

The president and chief executive officer is appointed for a term of up to five years.

The board of directors shall determine the remuneration and other conditions of employment of the president and chief executive officer in keeping with the parameters set by the Government.

"**23.14.** If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 23.13 within a reasonable time, the Société may appoint the president and chief executive officer after notifying the board members.

"**23.15.** If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the Subsidiary's personnel to exercise the functions of that position.

"III. — *Application of the Act respecting the governance of state-owned enterprises and the Companies Act*

"**23.16.** The Act respecting the governance of state-owned enterprises (chapter G-1.02), except Chapter VII, applies to the Subsidiary, subject to the following:

(1) in section 3 of that Act,

(*a*) the word "Minister" defined in that section must be understood to mean the Société, except in section 34;

(*b*) the word "enterprise" defined in that section must be understood to mean the Subsidiary, and

(*c*) the word "officer" defined in that section must be understood to mean the president and chief executive officer of the Subsidiary or any person with management responsibilities who reports directly to the president and chief executive officer;

(2) for the purposes of the first paragraph of section 4 and sections 14 and 35 of that Act, a reference to the Government is a reference to the Société;

(3) in addition to the cases referred to in the third paragraph of section 4 of that Act, a director is deemed not to be independent if the director is or has been, within the three years preceding the date of the director's appointment, employed by the Société or any of its wholly-owned subsidiaries;

(4) for the purposes of section 5 of that Act, the Société replaces the Government for the examination of situations within the scope of the policy the Government may adopt;

(5) paragraphs 4 and 14 of section 15 and subparagraph 2 of the first paragraph of section 22 of that Act do not apply to the Société with respect to the Subsidiary;

(6) paragraph 15 of section 15 of that Act applies to the Subsidiary as if it had been mentioned in it; and

(7) for the purposes of section 34 of that Act, the Subsidiary's strategic plan is to be established according to the form, content and timetable applicable to the Société's strategic plan.

"**23.17.** Section 179 of the Companies Act (chapter C-38) does not apply to the Subsidiary.

"§3. — *Human resources*

"**23.18.** The employees of the Subsidiary shall be appointed in accordance with the staff requirements and mode of appointment established by by-law of the Subsidiary.

Subject to the provisions of a collective agreement, the Subsidiary shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

"**23.19.** The Subsidiary may not hire or retain in its employment a person who has been found guilty of an offence listed in Schedule I, unless the person has obtained a pardon.

Likewise, the Subsidiary may not hire or retain in its employment a person who does not have the integrity necessary to hold employment with the Subsidiary, given the abilities and conduct required to hold employment with the Subsidiary.

The verifications required for the purposes of the first and second paragraphs are conducted in accordance with the security clearance process set out in subdivision 4.

"§4. — *Security clearance process*

"**23.20.** The following elements must, among others, be considered by the Société or the Subsidiary, as the case may be, to establish whether a person has the integrity necessary to hold an office or employment within the Subsidiary:

(1) the person maintains or has maintained connections with a criminal organization within the meaning of subsection 1 of section 467.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or with any other person

or entity that engages in laundering proceeds of crime or in trafficking in a substance included in any of Schedules I to IV to the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19);

(2) the person has been prosecuted for any of the offences listed in Schedule I;

(3) the person has been found guilty by a foreign court of an offence which, if committed in Canada, could have resulted in criminal or penal proceedings for an offence listed in Schedule I;

(4) the person has been prosecuted for or has been found guilty of any other criminal or penal offence; or

(5) the person has repeatedly evaded or attempted to evade compliance with the law.

A finding of guilt must be disregarded if a pardon has been obtained. The facts and circumstances surrounding an offence for which a pardon has been obtained may nevertheless be taken into consideration.

"**23.21.** For security clearance purposes, the Société or the Subsidiary shall, for each person concerned, send the Sûreté du Québec a copy of photo identification issued by a government, a government department or a public body which shows the person's name and date of birth.

Within 30 days after receiving the information, the Sûreté du Québec shall issue to the Société or the Subsidiary, as the case may be, a security clearance report indicating whether the person has committed an offence listed in Schedule I and containing all the information necessary to enable it to assess whether the person has the integrity necessary to hold an office or employment within the Subsidiary. The Sûreté du Québec may consult any other police force for the purpose of preparing the report.

"**23.22.** The security clearance process must be conducted every three years for each member of the board of directors and each member of the personnel.

It must be conducted again for any such person whenever the Société or the Subsidiary, as the case may be, is informed of a fact likely to affect the content of the report concerning that person.

"§5. — *Financial provisions*

"I. — *Capital stock*

"**23.23.** The Subsidiary's authorized capital stock shall be $100,000,000. It shall be divided into one class "A" share of a par value of $1,000 and 99,999 class "B" shares of a par value of $1,000 each.

The Société shall subscribe and hold the class "A" share.

Only the Minister of Finance may subscribe class "B" shares.

"**23.24.** The class "A" share shall carry only the right to vote at any shareholders meeting.

Class "B" shares shall carry only the right to receive any declared dividend or to receive a share of the remaining property of the Subsidiary on liquidation.

"**23.25.** After the board of directors of the Subsidiary has made its offer, the Minister of Finance may, with the authorization of the Government, subscribe shares in the Subsidiary.

"**23.26.** The Société and the Minister of Finance shall pay the par value of the shares they subscribe; they are then issued the certificates.

"**23.27.** The Subsidiary shall pay the dividends fixed by the Minister of Finance in the manner indicated by the Minister.

The Subsidiary shall send the Minister the financial information necessary to fix the dividends.

The sums paid by the Subsidiary as dividends shall be paid into the Cannabis Sales Revenue Fund.

"II. — *Subsidiary's financing*

"**23.28.** The Government may, on the conditions it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by the Subsidiary and the performance of its obligations;

(2) make any commitment in relation to the realization or financing of a project of the Subsidiary; and

(3) authorize the Minister of Finance to advance to the Subsidiary any amount considered necessary for the attainment of its purpose.

The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.

"**23.29.** For the purposes of subparagraph 6 of the first paragraph of section 24 of the Act respecting the Ministère des Finances (chapter M-24.01), the Subsidiary is deemed to be a government enterprise.

"III. — *Cannabis Sales Revenue Fund*

"**23.30.** The Cannabis Sales Revenue Fund shall be established at the Ministère des Finances. The Fund shall be dedicated to

(1) the elimination of any deficit that the Subsidiary may incur;

(2) the transfer that the Minister of Finance must make each year to the Cannabis Prevention and Research Fund established under the Cannabis Regulation Act (2018, chapter 19, section 19); and

(3) the prevention of, and the fight against the harm associated with, psychoactive substance use.

"**23.31.** The following sums shall be credited to the Cannabis Sales Revenue Fund:

(1) the sums paid by the Subsidiary as dividends;

(2) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(3) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;

(4) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and

(5) the interest earned by the sums credited to the Fund.

"**23.32.** The sums required to pay any expenses necessary to achieve and finance the purposes set out in paragraphs 1 and 2 of section 23.30 shall be debited from the Cannabis Sales Revenue Fund.

To achieve and finance the purposes set out in paragraph 3 of section 23.30, a minister designated in accordance with section 23.33 may debit from the Fund such sums as are provided for in the order designating the minister.

"**23.33.** When a department's activities include the implementation of measures related to the prevention of, and the fight against the harm associated with, psychoactive substance use, the Government may, on the joint recommendation of the Minister of Finance and the minister responsible for that department, designate the latter minister to allow that minister to debit sums from the Cannabis Sales Revenue Fund.

The designating order must, for each of the fiscal years in which it will be applicable, specify how the sums are to be used and the maximum amount that may be debited from the Fund.

The minister concerned must table the order in the National Assembly within 15 days after the order is made or, if the Assembly is not sitting, within 15 days of resumption.

"**23.34.** The amount of the transfer provided for in paragraph 2 of section 23.30 must, for a fiscal year, correspond to the majority of the revenues of the Cannabis Sales Revenue Fund, minus any expenditure required to eliminate any deficit the Subsidiary may incur, unless the Government fixes a greater amount before the Special Funds Budget for that fiscal year is submitted to it.

"§6. — *Regulations*

"**23.35.** The Government may make regulations

(1) determining standards for the purchase and sale of cannabis by the Subsidiary;

(2) determining the conditions that a person must meet to be authorized by the Subsidiary to transport or store cannabis, in particular those related to security clearances;

(3) determining conditions for the sale of cannabis by the Subsidiary over the Internet;

(4) requiring the conservation of documents relating to the Subsidiary's activities; and

(5) prescribing any other useful measure for the administration of this division.

"§7. — *Directives*

"**23.36.** The Minister may, after consulting with the Minister of Health and Social Services, issue directives on the direction and general objectives to be pursued by the Subsidiary. The Minister may also issue written directives to the board of directors on matters which, in the Minister's opinion, relate to public interest issues.

Such directives must be approved by the Government and come into force on the day they are approved. Once approved, they are binding on the Subsidiary.

The directives must be tabled in the National Assembly within 15 days after they are approved by the Government or, if the Assembly is not sitting, within 15 days of resumption.

"**23.37.** The Minister of Public Security may, after consulting with the Société or the Subsidiary, issue a directive establishing the minimal verifications that must be conducted by the Sûreté du Québec to enable the Société or the Subsidiary, as the case may be, to establish whether a person has the integrity necessary to hold an office or employment within the Subsidiary. Such verifications may vary according to job classes.

The Minister may also, after consulting with the Subsidiary, establish by directive the minimal verifications that must be conducted under a regulation made under paragraph 2 of section 23.35 before a person is authorized by the Subsidiary to transport or store cannabis.

"§8. — *Accounts and reports*

"**23.38.** The fiscal year of the Subsidiary shall expire on the last Saturday in March each year.

"**23.39.** Before the beginning of each fiscal year, the Subsidiary must prepare an investment budget and an operating budget and send them to the Minister of Finance for approval on the date and in the form determined by the Minister.

The Subsidiary shall also send its investment budget and operating budget to the Société.

"**23.40.** The Subsidiary must, on a quarterly basis, send the Minister of Finance a statement of its revenues and expenditures and a statement of their correlation with the budgetary forecasts of the Subsidiary.

"**23.41.** Each year, the Subsidiary must send its financial statements and annual report for its previous fiscal year to the Société.

The Subsidiary must also send the Société any strategic plan established in accordance with section 34 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

"**23.42.** The books and accounts of the Subsidiary shall be audited jointly every year by the Auditor General and an external auditor appointed by the Government in accordance with section 60. The remuneration of the external auditor shall be paid out of the revenues of the Subsidiary. The joint report must accompany the Subsidiary's annual report.

"**23.43.** The Minister must, not later than (*insert the date that is three years after the date of coming into force of section 3*), and subsequently every five years, report to the Government on the implementation of section 16.1 and this division.

The Minister must table the report in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly shall examine the report."

7. Section 59 of the Act is amended

(1) by inserting "and be accompanied by the separate financial statements, the annual report and, if applicable, the strategic plan of the Société québécoise du cannabis" at the end of the first paragraph;

(2) by inserting "of the Société as well as the financial statements, the annual report and, if applicable, the strategic plan of the Société québécoise du cannabis" after "statements" in the second paragraph.

8. The Act is amended by adding the following schedule at the end:

"SCHEDULE I
"(*Sections 23.7, 23.19, 23.20 and 23.21*)

"LIST OF OFFENCES

"1. Offences under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46):

(*a*) offences involving the financing of terrorism against any of sections 83.02 to 83.04;

(*b*) offences involving corruption against any of sections 119 to 125;

(*c*) offences involving fraud against any of sections 380 to 382;

(*d*) the offence of laundering proceeds of crime against section 462.31;

(*e*) offences involving a criminal organization against any of sections 467.11 to 467.13; and

(*f*) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in any of paragraphs *a* to *e*.

"2. Drug-related offences:

(*a*) any offence under Part I of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19), except an offence against subsection 1 of section 4;

(*b*) any criminal offence under the Cannabis Act (Statutes of Canada, 2018, chapter 16), except offences against section 8; and

(*c*) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in paragraphs *a* and *b*."

CHAPTER II

AMENDING PROVISIONS

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

9. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) is amended by inserting "— The Société québécoise du cannabis" in alphabetical order.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

10. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by inserting "the Société québécoise du cannabis" in paragraph 1 in alphabetical order.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

11. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended by inserting "the Société québécoise du cannabis" in paragraph 1 in alphabetical order.

CHAPTER III

TRANSITIONAL PROVISIONS

12. Until (*insert the date of coming into force of section 258 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27)*), the reference to the Autorité des marchés publics in subparagraph 1 of the first paragraph of section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), enacted by section 6, is to be read as a reference to the Autorité des marchés financiers.

13. Despite section 23.6 of the Act respecting the Société des alcools du Québec, enacted by section 6, the Société des alcools du Québec appoints the first members of the board of directors of the Société québécoise du cannabis without taking into account the requirements set out in the second paragraph of that section, except as regards the requirement that certain members have significant expertise or experience in public health, education, substance abuse and youth intervention.

Despite the third paragraph of section 23.6 of the Act respecting the Société des alcools du Québec, enacted by section 6, at least one-third of the members of the first board of directors, other than the chair of the board and the president and chief executive officer, are appointed for a term of up to two years. The other members are appointed for a term of up to four years.

The Société des alcools du Québec must appoint the members of the board of directors not later than 12 September 2018.

14. For the purposes of section 23.10 of the Act respecting the Société des alcools du Québec, enacted by section 6, the members of the board of directors are remunerated and their expenses are reimbursed on the conditions and to the extent determined for the members of the board of directors of the Société des alcools du Québec until the Government determines otherwise.

15. Despite section 23.13 of the Act respecting the Société des alcools du Québec, enacted by section 6, the Société des alcools du Québec appoints the first president and chief executive officer of the Société québécoise du cannabis taking into account the expertise and experience profile it establishes.

The president and chief executive officer assumes the day-to-day management of the Société québécoise du cannabis until the board of directors is established.

The remuneration and other conditions of employment of the president and chief executive officer of the Société québécoise du cannabis are set by the Société des alcools du Québec within the parameters the Government determines.

16. Despite section 23.25 of the Act respecting the Société des alcools du Québec, enacted by section 6, the Minister of Finance is authorized to subscribe a class "B" share of the Société québécoise du cannabis without the Government's authorization.

17. For the purposes of section 23.35 of the Act respecting the Société des alcools du Québec, enacted by section 6, a regulation made before 12 September 2018 may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days. In addition, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

18. The expenditure and investment estimates for the Cannabis Sales Revenue Fund, set out in Schedule I, are approved for the 2018–2019 fiscal year.

PART II

ENACTMENT OF THE CANNABIS REGULATION ACT

19. The Cannabis Regulation Act, the text of which appears in this Part, is enacted.

"CANNABIS REGULATION ACT

"**CHAPTER I**

"PRELIMINARY PROVISIONS

"**1.** The purpose of this Act is to prevent and reduce cannabis harm in order to protect the health and security of the public and of young persons in particular. The Act also aims to ensure the preservation of the cannabis market's integrity.

To those ends, it regulates such aspects as the possession, cultivation, use, sale and promotion of cannabis.

This Act is binding on the State.

"**2.** For the purposes of this Act, "cannabis", "cannabis accessory" and "dried cannabis" have the meaning assigned by the Cannabis Act (Statutes of Canada, 2018, chapter 16).

"**3.** This Act, except Chapter IV, does not apply to cannabis whose production and possession for medical purposes are governed by federal regulations or to industrial hemp whose production, importation, exportation, sale and supply are governed by such regulations, to the extent that the activities concerned are carried out in compliance with those regulations.

"**CHAPTER II**

"POSSESSION OF CANNABIS FOR PERSONAL PURPOSES

"**4.** It is prohibited for a minor to possess cannabis or give cannabis.

A minor who contravenes the first paragraph by possessing a total amount of cannabis equivalent to five grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16) or by giving cannabis commits an offence and is liable to a fine of $100.

"**5.** It is prohibited to possess a cannabis plant.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of $250 to $750. Those amounts are doubled for a subsequent offence.

"**6.** The Government may, by regulation, determine the standards applicable to possession of cannabis in a public place by a person of full age, in particular by prescribing a lesser amount than the amount that may be possessed under the Cannabis Act (Statutes of Canada, 2018, chapter 16).

It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed $750 or, for a subsequent offence, $1,500.

For the purposes of this section and section 7, the expression "public place" has the meaning assigned by the Cannabis Act (Statutes of Canada, 2018, chapter 16).

"**7.** It is prohibited for a person of full age to possess, in one or more places other than a public place, a total amount of cannabis equivalent to more than 150 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16).

Furthermore, in a residence where two or more persons of full age live, it is prohibited for each of those persons to possess cannabis if they know this results in the total amount of cannabis in the residence being equivalent to more than 150 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16).

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of $250 to $750. Those amounts are doubled for a subsequent offence.

"**8.** It is prohibited for anyone to possess cannabis

(1) on grounds, on premises or in buildings placed at the disposal of an educational institution providing preschool education services, elementary and secondary school instructional services, educational services in vocational training or educational services to adults in general education, as the case may be;

(2) on the premises or in the buildings of a college-level educational institution, except student residences;

(3) on the grounds and in the facilities of a childcare centre or day care centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(4) on grounds, on premises or in buildings used for detention within the meaning of the Act respecting the Québec correctional system (chapter S-40.1).

The Government may, by regulation, determine other places where it is prohibited to possess cannabis.

Anyone who contravenes the first paragraph or a regulation made under the second paragraph by possessing a total amount of cannabis equivalent to 30 grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16) commits an offence and is liable to a fine of $250 to $750. Those amounts are doubled for a subsequent offence.

"**9.** In all places, cannabis must be kept in a safe manner, somewhere that is not easily accessible to minors.

In a private residence where the services of an intermediate resource or of a family-type resource governed by the Act respecting health services and social services (chapter S-4.2) are offered or in a private residence where home childcare services are provided, regardless of whether the childcare providers are recognized home childcare providers under the Educational Childcare Act, cannabis must, in addition, be kept under lock.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of $250 to $750. Those amounts are doubled for a subsequent offence.

"**CHAPTER III**

"CANNABIS CULTIVATION FOR PERSONAL PURPOSES

"**10.** It is prohibited to cultivate cannabis for personal purposes.

That prohibition against cultivating cannabis applies, in particular, to the planting of seeds and plants, the propagation of plants from cuttings, the cultivation of plants and the harvesting of their production.

Anyone who contravenes the first paragraph by cultivating four cannabis plants or less in their dwelling-house commits an offence and is liable to a fine of $250 to $750. Those amounts are doubled for a subsequent offence.

For the purposes of the third paragraph, "dwelling-house" has the meaning assigned by subsection 8 of section 12 of the Cannabis Act (Statutes of Canada, 2018, chapter 16).

"**CHAPTER IV**

"RESTRICTION ON CANNABIS USE IN CERTAIN PLACES

"**DIVISION I**

"MEANING OF "TO SMOKE" AND "SMOKING"

"**11.** For the purposes of this chapter, "to smoke" and "smoking" also apply to the use of a pipe, a bong, an electronic cigarette or any other device of that nature.

"**DIVISION II**

"ENCLOSED SPACES

"**12.** Subject to sections 13 to 15, cannabis smoking is prohibited in all the following enclosed spaces:

(1) facilities maintained by a health or social services institution governed by the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and premises where the services of an intermediary resource governed by the Act respecting health services and social services are offered, except if the premises are situated in a private residence;

(2) premises or buildings of a university-level institution;

(3) private residences where home childcare services are provided, regardless of whether the childcare providers are recognized home childcare providers under the Educational Childcare Act, during the hours childcare is provided;

(4) enclosed spaces where sports, recreational, judicial, cultural or artistic activities or conferences, conventions or other similar activities are held;

(5) enclosed spaces where community or recreational activities intended for minors are held, except if the activities are held in a private residence;

(6) enclosed spaces where the activities held may be attended only by persons explicitly or implicitly invited or authorized by the host, whether or not an admission fee is charged and regardless of the purpose of the activities, except if the activities are held in a private residence;

(7) enclosed spaces used by a non-profit legal person or by an association, circle or club, whether a legal person or not, to which only members and their guests have access, except if the enclosed spaces are situated in a private residence;

(8) the common areas of residential buildings comprising two or more dwellings;

(9) the common areas of private seniors' residences within the meaning of the second paragraph of section 346.0.1 of the Act respecting health services and social services;

(10) palliative care hospices and places where prevention, assistance and support services, including temporary lodging services, are offered to persons in distress or in need of assistance, except if the services are offered in a private residence;

(11) tourist accommodation establishments governed by the Tourist Accommodation Establishments Act (chapter E-14.2) and the buildings of outfitting operations within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);

(12) specially set up enclosed spaces where meals for consumption on the premises are ordinarily offered to the public in return for remuneration;

(13) establishments operating under a bar permit within the meaning of the Act respecting liquor permits (chapter P-9.1);

(14) casinos, bingo halls and other gambling facilities;

(15) workplaces, except workplaces situated in a private residence;

(16) means of shared transportation and other means of transportation used in the course of employment; and

(17) all other enclosed spaces that are open to the public.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of $500 to $1,500. In addition, anyone who smokes in an enclosed space referred to in the first paragraph of section 8 or a regulation made under the second paragraph of that section commits an offence and is liable to a fine of $750 to $2,250. Those amounts are doubled for a subsequent offence.

In penal proceedings for a contravention of the first or second paragraph, evidence that a person was smoking using an accessory ordinarily used for smoking cannabis, or that a person was smoking and, while they were doing so, an odour of cannabis was being released from the product being consumed, is sufficient to establish that the person was smoking cannabis, unless they provide evidence to the contrary showing that the product smoked was not cannabis.

"**13.** A closed smoking room where cannabis smoking is permitted may be set up in the following enclosed spaces:

(1) facilities maintained by a health or social services institution and premises where the services of an intermediate resource are offered;

(2) the common areas of residential buildings comprising two or more dwellings;

(3) the common areas of private seniors' residences; and

(4) palliative care hospices and places where prevention, assistance and support services are offered to persons in distress or in need of assistance.

If a closed smoking room has already been set up in such places under section 3 of the Tobacco Control Act (chapter L-6.2), that smoking room is the only one that may be used for cannabis use.

The smoking room must be used only for cannabis use and, if applicable, tobacco use. It must be used only by persons living or lodged in the place.

The smoking room must also be delimited by floor-to-ceiling partitions or walls so as to be fully enclosed, and must be equipped with a ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building. In addition, the smoking room door must be equipped with a properly functioning self-closing device.

The Government may, by regulation, determine other standards relating to the construction or set-up and the ventilation system of smoking rooms.

In the case of a contravention of the second, third or fourth paragraph or a regulation made under the fifth paragraph, the operator of a place described in the first paragraph commits an offence and is liable to a fine of $1,000 to $50,000. Those amounts are doubled for a subsequent offence.

"**14.** Rooms where cannabis smoking is permitted may be identified in the following enclosed spaces:

(1) facilities maintained by a health or social services institution and premises where the services of an intermediate resource are offered; and

(2) palliative care hospices and temporary lodging facilities where prevention, assistance and support services are offered to persons in distress or in need of assistance.

Only persons admitted to or lodged in those places may smoke in such rooms.

The number of rooms where cannabis smoking is permitted may not exceed 20% of the rooms available for all the clientele. Furthermore, the rooms where smoking is permitted must be grouped together so as to provide maximum protection to non-smokers given the total floor space, use and ventilation of the place. If rooms have already been identified for tobacco use under the second paragraph of section 5 of the Tobacco Control Act, they must be the first ones identified for cannabis use.

The operator of a place referred to in the first paragraph may set certain conditions for cannabis use in a room where smoking is permitted or prohibit a person from smoking in such a room if the operator has reasonable grounds to believe that the person's cannabis use would pose a threat to the person's own safety or the safety of others.

"**15.** A room where cannabis smoking is permitted for research purposes may be set up in a research centre operated by

(1) a health or social services institution;

(2) a college- or university-level educational institution;

(3) a commercial cannabis producer; or

(4) a legal person that is a mandatary of the State and that participates in research activities in the field of health and social services.

The Government may, by regulation, determine other places where it is permitted to set up such a room.

Only persons who are research subjects may smoke in the room as part of research.

The standards prescribed in the fourth paragraph of section 13 or a regulation made under the fifth paragraph of that section apply to such a room.

The operator of a research centre or of any other place specified in a regulation made under the second paragraph must inform the Minister before beginning to use such a room.

In the case of a contravention of the third, fourth or fifth paragraph, the operator of a research centre or of any other place specified in a regulation made under the second paragraph commits an offence and is liable to a fine of $1,000 to $50,000. Those amounts are doubled for a subsequent offence.

"**DIVISION III**

"OTHER PLACES

"**16.** Cannabis smoking is prohibited

(1) in bus shelters and outdoor areas used to wait for shared transportation;

(2) in tents, under big tops and in other similar facilities that are put up temporarily or permanently and are open to the public;

(3) on the grounds of a health or social services institution;

(4) on the grounds of a post-secondary educational institution;

(5) on terraces and in other outdoor areas operated as part of a commercial activity and set up for rest, relaxation or the consumption of products;

(6) in outdoor play areas intended for children that are open to the public, including splash pads, wading pools and skateparks;

(7) on sports fields and playgrounds, including areas reserved for spectators, that are frequented by minors and open to the public;

(8) on the grounds of day camps and vacation camps as well as at skating rinks and outdoor pools that are frequented by minors and open to the public; and

(9) on lanes specifically built for bicycle traffic.

That prohibition also applies within a nine-metre radius from

(1) any part of the perimeter of a place referred to in subparagraph 6 of the first paragraph; and

(2) any door, air vent or openable window of an enclosed space referred to in the first paragraph of section 12, except the places referred to in subparagraphs 8, 9 and 16 of that paragraph.

However, if the nine-metre radius or a portion of that radius exceeds the boundaries of the grounds on which the place referred to in the second paragraph is situated, smoking is prohibited only up to those boundaries.

The Government may, by regulation, determine other places where smoking is prohibited.

Anyone who contravenes the first or second paragraph or a regulation made under the fourth paragraph commits an offence and is liable to a fine of $500 to $1,500. In addition, anyone who smokes on the grounds of an enclosed space referred to in the first paragraph of section 8 or in any other outdoor place determined by a regulation made under the second paragraph of that section commits an offence and is liable to a fine of $750 to $2,250. Those amounts are doubled for a subsequent offence.

In penal proceedings for a contravention of the first, second or fifth paragraph or a regulation made under the fourth paragraph, evidence that a person was smoking using an accessory ordinarily used for smoking cannabis, or that a person was smoking and, while they were doing so, an odour of cannabis was being released from the product being consumed, is sufficient to establish that the person was smoking cannabis, unless they provide evidence to the contrary showing that the product smoked was not cannabis.

"**DIVISION IV**

"OBLIGATIONS OF THE OPERATOR OF A PLACE

"**17.** The operator of a place to which this chapter or a regulation made under the fourth paragraph of section 16 applies must post signs visible to the persons frequenting the place, indicating the areas where smoking is prohibited.

It is prohibited to remove or alter such signs.

The Government may, by regulation, determine the standards applicable to such signs.

An operator who contravenes the first or second paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of $500 to $12,500. Those amounts are doubled for a subsequent offence.

"**18.** The operator of a place to which this chapter or a regulation made under the fourth paragraph of section 16 applies must not tolerate a person smoking cannabis in an area where cannabis smoking is prohibited.

An operator who contravenes the first paragraph commits an offence and is liable to a fine of $500 to $12,500. Those amounts are doubled for a subsequent offence.

In penal proceedings for such a contravention, evidence that a person was smoking in an area where smoking is prohibited is sufficient to establish that the operator tolerated a person doing so in that area, unless it is established that the operator exercised due diligence and took all necessary precautions to prevent the offence.

"**DIVISION V**

"OTHER RULES APPLICABLE TO CANNABIS USE

"**19.** A person who must, while working or providing services, take care of, or otherwise provide care to, a minor, a senior or any person in a vulnerable situation may not use cannabis during the hours the person works or provides services.

For the purposes of the first paragraph, a person in a vulnerable situation means a person of full age whose ability to request or obtain assistance is temporarily or permanently limited because of factors such as a restraint, limitation, illness, disease, injury, impairment or handicap, which may be physical, cognitive or psychological in nature.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of $750 to $2,250. Those amounts are doubled for a subsequent offence.

"**20.** The Government may, by regulation, make all or part of this chapter applicable to other forms of cannabis use or determine any other standard applicable to such forms of use.

"**21.** Under their managerial prerogative, employers may regulate, including prohibit, any form of cannabis use by members of their personnel in a workplace within the meaning of the Act respecting occupational health and safety (chapter S-2.1), unless it is already prohibited there under this chapter.

"**CHAPTER V**

"CANNABIS PRODUCTION

"**22.** Only a cannabis producer who has the qualifications and meets the conditions determined by government regulation may produce cannabis in Québec. Cannabis production includes, but is not limited to, the cultivation, processing, packaging and labelling of cannabis for commercial purposes.

The Government may, by regulation, determine the standards applicable to cannabis production, which may in particular relate to the preparation, conditioning or preservation of cannabis, and the substances and methods used. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed $100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of $5,000 to $500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

"**CHAPTER VI**

"TRANSPORTATION AND STORAGE OF CANNABIS

"**23.** Only the Société québécoise du cannabis, a person it authorizes in accordance with subparagraph 4 of the first paragraph of section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), a cannabis producer or any other person determined by government regulation may transport, including deliver, and store cannabis for commercial purposes.

The Government may, by regulation, prescribe the standards and conditions applicable to the transportation and storage of cannabis. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed $100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of $5,000 to $500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

"**24.** Nothing in this Act may be construed as forbidding the transportation of cannabis in transit in Québec; however, in the absence of any evidence to the contrary, the transportation of cannabis without a bill of lading indicating the names and addresses of the shipper and the receiver constitutes proof that it is intended for delivery in Québec.

"**CHAPTER VII**

"SALE OF CANNABIS

"**DIVISION I**

"GENERAL PROVISIONS

"**25.** Only the Société québécoise du cannabis and a cannabis producer may purchase cannabis from a producer and sell cannabis. However, a producer may sell cannabis only to the Société or to another producer, unless the producer ships it outside Québec.

The Government may, by regulation, prescribe the conditions applicable to the sale of cannabis between producers and the standards they must comply with. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed $100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of $5,000 to $500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

"**26.** A cannabis producer who wishes to enter into a contract with the Société québécoise du cannabis for the sale of cannabis must obtain an authorization to contract from the Autorité des marchés publics (the Authority), as though the contract were a public contract described in section 3 of the Act respecting contracting by public bodies (chapter C-65.1). Chapter V.2 of that Act, except sections 21.17 to 21.17.2, and sections 25.0.2 to 25.0.5 of that Act apply in such a case, with the necessary modifications.

In appraising the high standards of integrity expected from a cannabis producer under section 21.27 of that Act, the Authority must, among other things, consider the cannabis producer's funding sources, in particular on the basis of the documents and information prescribed by the Authority under section 21.23 of that Act.

"**DIVISION II**

"RETAIL SALE OF CANNABIS BY THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

"§1. — *General provisions*

"**27.** Cannabis sold retail by the Société québécoise du cannabis must be sold in a cannabis retail outlet, unless it is sold over the Internet.

Such a cannabis retail outlet must be a fixed place that is permanently delimited by continuous floor-to-ceiling partitions or walls and that is accessible to customers only through an opening equipped with a door.

"**28.** Only the following products may be sold by the Société québécoise du cannabis:

(1) cannabis belonging to one of the following classes:

(*a*) dried cannabis;

(*b*) cannabis oil;

(*c*) fresh cannabis;

(*d*) cannabis resin; and

(*e*) any other class of cannabis determined by government regulation, including edible and non-edible cannabis products;

(2) cannabis accessories;

(3) specialized publications about cannabis; and

(4) any other product determined by government regulation.

"**29.** Cannabis sold in a cannabis retail outlet may not be altered there in any way.

"**30.** A cannabis sales employee must hold a certificate confirming successful completion of such training on the sale of cannabis as is determined by ministerial regulation. Such a regulation also prescribes conditions as to training updates.

"**31.** The Société québécoise du cannabis may not sell a total amount of cannabis equivalent to more than 30 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, 2018, chapter 16) to a purchaser in the course of a same visit to a cannabis retail outlet.

In the course of a cannabis sale, the Société québécoise du cannabis must communicate the information prescribed by ministerial regulation to the purchaser, by any of the means prescribed in the regulation.

The Government may, by regulation, reduce the amount of cannabis that may so be sold and establish the minimum amount of cannabis that must be sold to a purchaser in the course of a same visit.

"**32.** The Société québécoise du cannabis may not sell cannabis to a person whose behaviour is clearly altered by drugs or alcohol.

Nor may it sell cannabis to a person when it knows the person is purchasing cannabis for another person whose behaviour is clearly altered in such a manner.

"**33.** The Société québécoise du cannabis may not operate a cannabis retail outlet near an educational institution providing preschool education services or elementary or secondary school instructional services.

A cannabis retail outlet is considered to be near an educational institution if, from the boundaries of the grounds on which the institution is situated, the shortest route to the retail outlet by a public road, within the meaning of the third paragraph of section 66 of the Municipal Powers Act (chapter C-47.1), is less than 250 metres or, in the territory of Ville de Montréal, less than 150 metres.

The Government may, by regulation, prescribe other standards relating to the location of cannabis retail outlets. Those standards may in particular relate to the minimal distance required between a cannabis retail outlet and other places frequented by minors or places frequented by vulnerable clienteles.

The first paragraph and the regulation made under the third paragraph apply subject to any municipal zoning by-law which, by express derogation, specifically authorizes the operation of a cannabis retail outlet.

"§2. — *Prohibition against admitting minors and selling to minors*

"**34.** A minor may not be admitted to a cannabis retail outlet and a minor's presence may not be tolerated there.

"**35.** It is prohibited to sell cannabis to a minor.

"**36.** A person who wishes to be admitted to or to purchase cannabis in a cannabis retail outlet is required to provide proof of age on the request of an employee of the Société québécoise du cannabis.

When required to provide proof of age, such a person must produce photo identification issued by a government, a government department or a public body showing the person's name and date of birth.

The employee must refuse to admit a person to a retail outlet or refuse to sell cannabis to the person if the employee considers that the identification produced cannot prove the person's identity.

"**37.** The Société québécoise du cannabis may not sell cannabis to a person of full age if it knows the person is purchasing cannabis for a minor.

"**38.** It is prohibited for a minor to purchase cannabis.

A minor who contravenes the first paragraph commits an offence and is liable to a fine of $100.

"**39.** It is prohibited for a person of full age to purchase cannabis for a minor.

A person of full age who contravenes the first paragraph commits an offence and is liable to a fine of $500 to $1,500. Those amounts are doubled for a subsequent offence.

"§3. — *Display*

"**40.** Cannabis must be displayed in such a way that customers may not have access to it without the assistance of an employee and that it is visible only from the inside of the cannabis retail outlet.

The Government may, by regulation, determine other standards relating to the display of cannabis.

"§4. — *Signage*

"**41.** The Société québécoise du cannabis must install the sign provided by the Minister concerning the prohibition against admitting minors to a cannabis retail outlet and the prohibition against selling cannabis to minors. The sign may contain a warning attributed to the Minister concerning the harmful effects of cannabis on health. It must be installed on the entrance door or close to it.

It is prohibited to remove such a sign.

The Minister may, by regulation, specify the standards applicable to the sign.

"**42.** The Government may, by regulation, prescribe other standards relating to signage in cannabis retail outlets.

"**CHAPTER VIII**

"RETAIL SALE OF CANNABIS ACCESSORIES BY OPERATORS OTHER THAN THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

"**43.** The provisions of the Tobacco Control Act on retail sale, including those on display and signage, apply to the retail sale of cannabis accessories by any operator of a business other than the Société québécoise du cannabis, as if such accessories were accessories referred to in section 1.1 of that Act.

"**CHAPTER IX**

"COMPOSITION AND CHARACTERISTICS OF CANNABIS AND CANNABIS ACCESSORIES

"**44.** Dried cannabis, cannabis oil, fresh cannabis and cannabis resin may not contain any additives or any other substances intended to modify their odour, taste or colour, except to the extent provided for by government regulation.

The Government may, by regulation, determine other standards relating to the composition and characteristics or other properties of cannabis, including the standards applicable to edible and non-edible cannabis products.

Those standards may in particular relate to the varieties of cannabis produced or used, the level or concentration of cannabis in certain substances and the pureness, strength and quality of cannabis. They may vary according to the intended use of or customer base for the cannabis.

A cannabis producer who contravenes the first paragraph or a regulation made under the second paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**45.** Cannabis accessories may not have any flavour or aroma.

Anyone who sells a cannabis accessory that contravenes the first paragraph or whose packaging so suggests commits an offence and is liable to a fine of $2,500 to $125,000. However, if the offender is a cannabis producer, the producer is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**46.** Sections 44 and 45 do not apply to cannabis or cannabis accessories intended for sale exclusively outside Québec.

"**CHAPTER X**

"PROMOTION, ADVERTISING AND PACKAGING

"**DIVISION I**

"SCOPE

"**47.** For the purposes of this chapter, unless the context indicates otherwise,

"cannabis" also includes cannabis accessories;

"cannabis producer" also includes a cannabis accessory manufacturer, except in the case of sections 48, 49 and 50, where it also includes a cannabis accessory distributor or manufacturer.

For the purposes of sections 48 and 49, "Société québécoise du cannabis" also includes the operator of a business where cannabis accessories are sold retail.

"**DIVISION II**

"PROMOTION

"**48.** Neither the Société québécoise du cannabis nor a cannabis producer may

(1) supply or distribute cannabis free of charge or furnish cannabis for promotional purposes of any kind to consumers;

(2) reduce the retail price of cannabis on the basis of volume, otherwise than as part of regular marketing operations by the producer, or offer or grant consumers a rebate on the market price of cannabis; or

(3) offer consumers a gift or rebate or a right to participate in a lottery, contest or game or any other form of benefit if consumers must, in return, provide information on cannabis or their cannabis consumption, or purchase or present proof of purchase of a cannabis product.

For the purposes of this chapter, a cannabis producer includes any person or partnership that is controlled by or that controls the producer.

The Government may, by regulation, determine standards relating to promotion.

Anyone, other than the Société, who contravenes the first paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**49.** It is prohibited for a cannabis producer to offer the Société québécoise du cannabis, including its employees, rebates, gratuities or any other form of benefit related to the sale or the retail price of cannabis.

A producer who contravenes the first paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**50.** The operator of a business or a cannabis producer may not sell or give an object that is not cannabis or supply such an object as part of an exchange if a name, logo, distinguishing guise, design, image or slogan that is directly associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer appears on the object.

The operator of a business who contravenes the first paragraph commits an offence and is liable to a fine of $2,500 to $62,500. A producer who contravenes the first paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**51.** Any direct or indirect sponsorship that is associated in any manner whatsoever with the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited.

The first paragraph does not prevent the cannabis industry from making gifts to the extent that the gifts are made without any promotional association. The communication of information by the donor or donee concerning the nature of the gift and the name of the donor, otherwise than through an advertising or commercial message, does not constitute a promotional association within the meaning of this paragraph.

The Government may, by regulation, prescribe the cases and circumstances in which a mode of communication constitutes a promotional association within the meaning of the second paragraph.

Anyone who contravenes the first paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**52.** No name, logo, distinguishing guise, design, image or slogan that is associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer may be associated with a sports, cultural or social facility, a facility maintained by a health or social services institution or a research centre.

Furthermore, no name, logo, distinguishing guise, design, image or slogan that is associated with cannabis, a brand of cannabis, the Société or a cannabis producer may be associated with a sports, cultural or social event, subject to the second paragraph of section 51.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**DIVISION III**

"ADVERTISING

"**53.** All direct or indirect advertising for the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited where the advertising

(1) is directed at minors;

(2) is false or misleading, or is likely to create an erroneous impression about the characteristics, health effects or health hazards of cannabis;

(3) directly or indirectly associates the use of cannabis with a particular lifestyle;

(4) uses testimonials or endorsements;

(5) uses a slogan;

(6) contains a text that refers to real or fictional persons, characters or animals;

(7) contains anything apart from text, with the exception of an illustration of the package or packaging of cannabis occupying not more than 10% of the surface area of the advertising material; or

(8) is disseminated otherwise than

(*a*) in printed newspapers and magazines that are sent and addressed to a person of full age who is identified by name; or

(*b*) by means of signage visible only from the inside of a cannabis retail outlet.

However, advertising that is intended to provide consumers with factual information about cannabis, including about the price or the intrinsic characteristics of cannabis, brands of cannabis and the Société, is permitted to the extent that it does not constitute advertising or a form of advertising prohibited under the first paragraph. Despite subparagraph 8 of the first paragraph, the Société may nevertheless communicate such factual information to consumers on its cannabis sales website, provided it takes all the measures necessary to ensure that minors cannot access it.

Advertising disseminated in printed newspapers or magazines that are sent and addressed to a person of full age who is identified by name must include the warning attributed to the Minister and prescribed by regulation concerning the harmful effects of cannabis on health. The advertising must be forwarded to the Minister on being disseminated. The Minister may, by regulation, prescribe the warning required under this paragraph and the standards applicable to such a warning.

The Government may, by regulation, determine standards relating to advertising.

Anyone who contravenes the first or third paragraph or a regulation made under the fourth paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**54.** Indirect advertising for the promotion of cannabis within the meaning of the first paragraph of section 53 includes the use, on a facility, vehicle or sign or on any other object that is not cannabis, of a name, logo, distinguishing guise, design, image or slogan that is not directly associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer but that may reasonably be said to evoke a brand of cannabis, the Société or a producer because of its graphic design, presentation or association with a cannabis display stand or a cannabis retail outlet.

"**55.** The provisions of section 53 and of a regulation made under that section do not apply to advertising carried by publications imported into Québec. In no case, however, may a person doing business in Québec disseminate advertising that is prohibited under section 53 or that does not comply with a regulation made under the fourth paragraph of that section.

Nor do those provisions apply to advertising that is directed at the cannabis industry and does not reach consumers either directly or indirectly.

"**DIVISION IV**

"PACKAGING

"**56.** The use of a concept referred to in subparagraphs 1 to 6 of the first paragraph of section 53 on cannabis packaging and containers is prohibited.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**57.** The Government may, by regulation, determine standards relating to cannabis containers, packaging and display. Those standards may vary according to the various classes of cannabis determined and according to the intended use of or customer base for the cannabis.

The Government may also, by regulation, require cannabis producers to print on cannabis packaging certain particulars that the Minister determines and messages attributed to the Minister that the latter indicates about the harmful effects of cannabis on health.

Anyone who contravenes a regulation made under the first or second paragraph commits an offence and is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"**CHAPTER XI**

"CANNABIS PREVENTION AND RESEARCH FUND

"**58.** The Cannabis Prevention and Research Fund (the Fund) is established at the Ministère de la Santé et des Services sociaux. The Fund is dedicated to the financing of

(1) monitoring and research activities and programs relating to the effects of cannabis on the health status of the population;

(2) curative care in relation to cannabis use; and

(3) cannabis harm prevention activities and programs and health promotion activities and programs.

"**59.** The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under paragraph 2 of section 23.30 of the Act respecting the Société des alcools du Québec;

(2) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(3) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and

(4) the interest earned on the sums credited to the Fund.

"**60.** The sums required to pay any expenses necessary to finance the activities, programs and care described in section 58 are debited from the Fund.

"**CHAPTER XII**

"PILOT PROJECT

"**61.** The Government may, by order, authorize the Minister to implement a pilot project on any matter within the scope of this Act or the regulations with a view to studying, improving or defining standards applicable to those matters. However, such a pilot project may not pertain to the retail sale of cannabis.

All pilot projects must be in line with the objectives pursued by this Act.

The Government determines the standards and obligations applicable within the framework of a pilot project, which may differ from the standards and obligations provided for by this Act or the regulations. It also determines the monitoring and reporting mechanisms applicable within the framework of a pilot project, and the information that is necessary for the purposes of those mechanisms and that must be sent to it or to the Minister, as the case may be, by any person or partnership, including a cannabis producer.

A pilot project is established for a period of up to three years which the Government may extend by up to one year. The Government may modify or terminate a pilot project at any time.

The Government may also determine the provisions of a pilot project whose violation constitutes an offence and set the amount of the fine to which an offender is liable, which may not be less than $200 or greater than $3,000.

"**CHAPTER XIII**

"ABORIGINAL COMMUNITIES

"**62.** For the purpose of adapting the measures provided for in this Act to Aboriginal realities, the Government is authorized to enter into an agreement on any matter within the scope of the Act or the regulations with an Aboriginal nation represented by all the band councils, or councils in the case of northern villages, of the communities that make up that nation, the Makivik Corporation, the Cree Nation Government, an Aboriginal community represented by its band council, or council in the case of a northern village, a group of communities so represented or, in the absence of such councils, any other Aboriginal group. Such an agreement may also cover the adaptation to Aboriginal realities of other cannabis-related government measures that are not provided for by an Act or a regulation, such as cannabis harm prevention programs. It must pursue the same objectives as those pursued by this Act.

Such an agreement has precedence over this Act and the regulations. However, a person covered by an agreement is exempt from the incompatible provisions of this Act or the regulations only to the extent that that person complies with the agreement.

An agreement entered into under this section must be tabled in the National Assembly within 15 days of its signature or, if the Assembly is not sitting, within 15 days of resumption. It must also be published in the *Gazette officielle du Québec*.

"**CHAPTER XIV**

"OVERSIGHT COMMITTEE

"**63.** A cannabis oversight committee responsible for advising the Minister on any cannabis-related matter is established under the name "Comité de vigilance en matière de cannabis" (the Committee).

"**64.** For the purpose of carrying out its mandate, the Committee may, in particular,

(1) advise the Minister on any cannabis-related matter that the Minister submits to it;

(2) evaluate the application of the measures provided for by this Act and of the provisions relating to the Société québécoise du cannabis in the Act respecting the Société des alcools du Québec and whether they attained their objectives;

(3) refer to the Minister any emerging cannabis-related phenomenon or any other cannabis-related issue that deserves the attention of or action by the Government, and submit its recommendations to the Minister; and

(4) carry out any other mandate entrusted to it by the Minister.

The Committee may also require the Société québécoise du cannabis, a person authorized by the Société to transport or store cannabis on its behalf, if any, or a cannabis producer to provide any information or documents the Committee considers necessary to carry out its mandate.

"**65.** The Committee is composed of members appointed by the Minister, the majority of whom must collectively have significant expertise or experience in public health, education, substance abuse, youth intervention, municipal affairs and public security and the remainder of whom must collectively have significant expertise or experience in governance and ethics, risk management, and finance and auditing. No member of the Committee may, directly or indirectly, have any link with the cannabis industry or any interest in that industry, including any financial, commercial, professional or philanthropic interest.

The Minister designates the chair and the vice-chair from among the members.

The members of the Committee are appointed for a term of up to five years, which may not be consecutively renewed more than once. At the expiry of their term, they remain in office until replaced or reappointed.

The members of the Committee are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

The Committee may make any by-law for the conduct of its affairs and its internal management.

"**66.** Not later than 30 September each year, the Committee must submit an annual report of its activities to the Minister.

Within the next 30 days, the Minister must make the report public, except the parts containing commercial information that is confidential by nature.

"**CHAPTER XV**

"MONITORING

"**DIVISION I**

"CANNABIS TRACKING

"**67.** The Government may, by regulation, determine the measures that must be taken by the Société québécoise du cannabis, a person authorized by the Société to transport or store cannabis on its behalf, if any, or a cannabis producer to reduce the risk of cannabis in their possession being diverted to the illicit market.

The Government may also determine the provisions of a regulation made under this section whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed $100,000 and, in the case of a subsequent offence, $500,000.

"**DIVISION II**

"REPORTS

"**68.** The Government may, by regulation, determine the reports that must be sent to the Minister by a cannabis producer.

Such a regulation indicates the content, form and frequency of the reports and the manner in which they must be sent.

A cannabis producer who refuses or neglects to send a report, who knowingly gives false or misleading information or who contravenes a regulation made under the second paragraph commits an offence and is liable to a fine of $1,000 to $100,000. Those amounts are doubled for a subsequent offence.

"**DIVISION III**

"INSPECTION, SEIZURE AND INVESTIGATION

"§1. — *Inspection*

"**69.** The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act and the regulations, except sections 4 to 8, Chapter III and the first paragraph of sections 23 and 25, as well as compliance with the regulations made under section 23.35 of the Act respecting the Société des alcools du Québec.

In addition, a local municipality may, except in respect of workplaces and public bodies, authorize any person to act as an inspector for the purpose of verifying compliance with Chapter IV and the regulations made under it. In such a case, the municipality must inform the Minister that it has done so.

"**70.** An inspector may, in the performance of inspection functions,

(1) enter, at any reasonable hour,

(*a*) any place where cannabis smoking is prohibited under Chapter IV,

(*b*) any place where a cannabis retail outlet or a business where cannabis accessories are sold retail is operated,

(*c*) any place where cannabis is stored,

(*d*) any place operated by a cannabis producer, and

(*e*) any place where cannabis or cannabis accessories are promoted or advertised and any place where information relating to the promotion or advertising of cannabis or cannabis accessories is found;

(2) inspect a vehicle used for transporting cannabis or order any such vehicle to be stopped for inspection;

(3) open containers or packaging and collect or cause to be collected, free of charge, samples of cannabis or of any substance if, in the latter case, the inspector has reasonable grounds to believe the substance is cannabis;

(4) require the production of any document for examination or copying, if the inspector has reasonable grounds to believe that it contains information relating to the application of this Act or the regulations;

(5) take photographs of the place inspected and of the equipment, property or products found there; and

(6) require any person present in a cannabis retail outlet or leaving a retail outlet to provide proof of age by producing the identification referred to in the second paragraph of section 36.

However, a person authorized to act as an inspector by a local municipality has only the powers provided for in subparagraph *a* of subparagraph 1 and in subparagraphs 4 and 5 of the first paragraph.

The owner of or person responsible for a place or vehicle being inspected, and any other person in the place or vehicle, are bound to provide assistance to the inspector.

If the place referred to in subparagraph *a* of subparagraph 1 of the first paragraph is in the nature of a dwelling for the occupant, the inspector must obtain the occupant's consent before conducting the inspection unless the place is one where home child care services within the meaning of the Educational Childcare Act are provided.

Before requiring that a person mentioned in subparagraph 6 of the first paragraph provide proof of age, an inspector must be reasonably convinced that the person is a minor.

"**71.** An inspector may, by a request sent by registered mail or personal service, require a person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act or the regulations.

Anyone who refuses or neglects to comply, within the time specified, with a request made under the first paragraph commits an offence and is liable to a fine of $500 to $12,500. Those amounts are doubled for a subsequent offence.

"**72.** A police force member may enforce Chapters II, III and IV, the first paragraph of sections 23 and 25 and the regulations made under them in any territory in which the member provides police services.

"§2. — *Seizure*

"**73.** An inspector performing inspection functions or a police force member may immediately seize any thing they have reasonable grounds to believe may be used as evidence of an offence under this Act or the regulations.

The rules established in Division IV of Chapter III of the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to the things seized.

However, if cannabis is seized in the course of the verification of compliance with Chapter II, III or VI or section 25, the seizor may destroy it or cause it to be destroyed as of the 30th day following the seizure, unless, before that day, the person from whom the cannabis was seized or the person who claims to have a right in it applies to a judge of the Court of Québec to establish their right to possession and serves on the seizor a prior notice of not less than one clear day of the application.

Proof of the cannabis so destroyed may be made by means of samples kept in sufficient quantity.

"§3. — *Investigation*

"**74.** The Minister may designate any person to investigate any matter relating to the application of this Act, except sections 4 to 8, Chapter III and the first paragraph of sections 23 and 25, as well as the application of a regulation made under section 23.35 of the Act respecting the Société des alcools du Québec.

"§4. — *Identification, immunity and hindrance*

"**75.** Inspectors and investigators must, on request, identify themselves and produce a certificate of authority.

"**76.** No proceedings may be brought against an inspector or investigator for an act or omission in good faith in the performance of inspection or investigation functions.

"**77.** Anyone who in any way hinders an inspector, investigator or police force member in the performance of inspection or investigation functions, deceives an inspector, investigator or police force member by concealment or misrepresentation or refuses to provide information or a document to an inspector that the inspector is entitled to require or examine, or destroys information, a document or a thing relevant to an inspection or investigation, commits an offence.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of $2,500 to $62,500. However, in the case of a cannabis producer, the offender is liable to a fine of $5,000 to $500,000. Those amounts are doubled for a subsequent offence.

"§5. — *Special provisions applicable to police force members*

"**78.** A police force member who is authorized in accordance with the Code of Penal Procedure to search an electronic device, computer system or other medium for data that could constitute evidence of an offence against the first paragraph of section 23 or 25 may also use any computer, equipment or other thing that is in the place to access such data and to search for, examine, copy or print out such data there. The police force member may, if applicable, seize and remove such a copy or printout.

"**79.** For the purposes of an investigation relating to an offence under the first paragraph of section 23 or 25, a judge of the Court of Québec may, on an *ex parte* application following an information laid in writing and under oath by a police force member, issue an authorization in writing permitting any police force member to use any investigative technique or procedure or do anything described by the judge that would, if not so authorized, constitute an unreasonable search or seizure in respect of a person or a person's property.

The authorization may be obtained by telewarrant in accordance with the procedure set out in the Code of Penal Procedure, with the necessary modifications.

The judge may not, however, authorize the interception of a private communication, as defined in section 183 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46). Nor may the judge authorize the observation by means of a television camera or other similar electronic device of any person who is engaged in an activity in circumstances in which the person has a reasonable expectation of privacy.

The judge may issue the authorization if the judge is satisfied

(*a*) that there are reasonable grounds to believe that an offence against the first paragraph of section 23 or 25 has been or will be committed and that information concerning the offence will be obtained through the use of the technique or procedure or the doing of the thing;

(*b*) that it is in the best interests of the administration of justice to issue the authorization; and

(*c*) that there is no provision in the Code of Penal Procedure that would provide for a warrant, authorization or order permitting the technique or procedure to be used or the thing to be done.

Nothing in the first paragraph may be construed as permitting interference with the physical integrity of any person.

The authorization must set out such terms and conditions as the judge considers appropriate, in the circumstances, to ensure that the search or seizure is reasonable and to protect lawyers' and notaries' professional secrecy.

In the case of an authorization to enter and search a place covertly, the judge must require that notice of the entry and search be given after its execution within the time that the judge considers appropriate in the circumstances.

Where the judge who grants an authorization to enter and search covertly or any other judge having jurisdiction to grant such an authorization is satisfied, on an *ex parte* application made on the basis of an affidavit submitted in support of an application for extension, that the interests of justice warrant the granting of the application, the judge may grant an extension, or a subsequent extension, of the period referred to in the seventh paragraph, but no extension may exceed one year.

The execution of an authorization issued under this section may not commence more than 15 days after it is issued or end more than 30 days after the expiry of that 15-day period. However, if the judge is satisfied, on an *ex parte* application made on the basis of an affidavit submitted in support of an application for extension to complete the execution of the authorization, that the interests of justice warrant the granting of the application, the judge may grant an extension of not more than 30 days. The execution of the authorization may not commence, without the written authorization of the judge who granted it, before 7 a.m. or after 8 p.m., or on a holiday.

The powers and duties conferred on or assigned to a judge of the Court of Québec under this section may also be exercised by a justice of the peace within the limits provided by law and specified in the justice's deed of appointment.

"**80.** A police force member who has reasonable grounds to believe that a vehicle is being used to transport cannabis may require the driver to stop the vehicle and require the driver, the owner or the person responsible for the vehicle, as applicable, to produce for examination a document prescribed by government regulation showing that the cannabis is being transported by one of the persons referred to in the first paragraph of section 23, or the bill of lading referred to in section 24. The driver, the owner or the person responsible for the vehicle must comply with such requirements without delay.

The police force member may also order that the vehicle not be moved if the driver, the owner or the person responsible for the vehicle fails to produce the document required under the first paragraph or produces a document containing inaccurate or incomplete information, or if the police force member has reasonable grounds to believe that an offence under the first paragraph of section 23 was committed.

Unless a police force member authorizes otherwise, the vehicle must not be moved until an application for a search warrant or telewarrant is made, with due diligence, in accordance with the Code of Penal Procedure, a judge rules on the application and, where applicable, the vehicle is seized.

A driver who does not comply with a requirement or an order of a police force member under the first or second paragraph, or who contravenes the third paragraph, commits an offence and is liable to a fine of $2,500 to $62,500. Those amounts are doubled for a subsequent offence.

"**81.** In the case referred to in section 80, a police force member may cause a vehicle stopped in contravention of Division II of Chapter II of Title VIII of the Highway Safety Code (chapter C-24.2) to be removed and impounded in the nearest suitable place.

"**82.** The rules established under Division IV of Chapter III of the Code of Penal Procedure apply, with the necessary modifications, to things seized under sections 78, 79 and 80. The third and fourth paragraphs of section 73 also apply, with the necessary modifications, to things seized under sections 79 and 80.

"**CHAPTER XVI**

"MISCELLANEOUS PROVISIONS

"**83.** An inspector or a police force member may submit a sample of cannabis or of any substance seized to an analyst for analysis and examination; the analyst may issue a report setting out the results of the analysis and examination.

The Minister may authorize an analyst to set up a room where cannabis may be used to conduct the analysis or examination requested.

Only the persons identified by the analyst may smoke in the room as part of the analysis or examination.

The standards prescribed in the fourth paragraph of section 13 or by a regulation made under the fifth paragraph of that section apply to the room.

"**84.** In any proceedings under this Act, the report relating to the analysis of a cannabis sample signed by the analyst referred to in the first paragraph of section 83 is accepted as proof, in the absence of any evidence to the contrary, of the facts set out in the report or of the capacity of the person who signed the report, without further proof of the person's signature. The cost of the analysis is included in the costs of the proceedings, and the amounts collected as such belong to and are to be remitted to the Minister.

If a substance that has been seized in a place operated by a cannabis producer is in packaging identified as containing cannabis, it is presumed to be cannabis, in the absence of any evidence to the contrary. The same applies to a substance that has been seized in a place where cannabis smoking is prohibited under Chapter IV and that is in sealed packaging identified as containing cannabis.

However, a defendant who contests that the substance seized is cannabis must, not less than 10 days before the date set for the beginning of the trial, give the prosecuting party prior notice of an application for analysis of the substance, unless the prosecuting party waives the notice. Article 172 of the Code of Penal Procedure applies to the application.

"**85.** If a person is found guilty of an offence under this Act or the regulations, the judge may impose an additional fine in addition to any other penalty, on an application by the prosecuting party appended to the statement of offence, equal to the amount of the monetary benefit that was acquired by or that accrued to the person as a result of the offence, even if the maximum fine is imposed under another provision.

"**86.** In any penal proceedings relating to an offence under this Act or the regulations, evidence that the offence was committed by a representative, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless it is established that the party exercised due diligence and took all necessary precautions to prevent the offence.

"**87.** If a legal person or a representative, mandatary or personnel member of a legal person commits an offence under this Act or the regulations, the directors or officers of the legal person are presumed to have committed the offence, unless it is established that they exercised due diligence and took all necessary precautions to prevent the offence.

"**88.** Anyone who assists a person in committing an offence under this Act or the regulations or who, by encouragement, advice or consent or by an authorization or an order, induces a person to commit an offence under this Act or the regulations commits an offence and is liable to the same penalty as that prescribed for the offence they assisted in committing or induced to commit.

"**89.** Penal proceedings for an offence under Chapter IV or the regulations made under that chapter may be instituted by a local municipality if the offence was committed in its territory. Such proceedings may be instituted before the competent municipal court. The fines imposed belong to the prosecuting municipality.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted by the collector to another prosecuting party under article 345.2 of the Code of Penal Procedure and the costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of that Code.

"**90.** The Minister must, not later than (*insert the date that is three years after the date of coming into force of section 1 of the Cannabis Regulation Act*) and every five years after that, report to the Government on the implementation of this Act.

Such a report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

In the first report, the Minister must, in particular, evaluate the sales model established by this Act.

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

"**CHAPTER XVII**

"AMENDING PROVISIONS

"CITIES AND TOWNS ACT

"**92.** Section 500.1 of the Cities and Towns Act (chapter C-19), enacted by section 64 of chapter 13 of the statutes of 2017, is amended by inserting the following subparagraph after subparagraph 10 of the second paragraph:

"(10.1) a tax in respect of cannabis within the meaning of section 2 of the Cannabis Act (Statutes of Canada, 2018, chapter 16);".

"MUNICIPAL CODE OF QUÉBEC

"**93.** Article 1000.1 of the Municipal Code of Québec (chapter C-27.1), enacted by section 108 of chapter 13 of the statutes of 2017, is amended by inserting the following subparagraph after subparagraph 10 of the second paragraph:

"(10.1) a tax in respect of cannabis within the meaning of section 2 of the Cannabis Act (Statutes of Canada, 2018, chapter 16);".

"ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

"**94.** Schedule 1 to the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by inserting "— Cannabis Regulation Act (2018, chapter 19, section 19);" in alphanumerical order.

"TOBACCO CONTROL ACT

"**95.** Section 2 of the Tobacco Control Act (chapter L-6.2) is amended

(1) by replacing "within the meaning of that Act is provided, during the hours when childcare is provided" in paragraph 4 by "services are provided, regardless of whether the childcare providers are recognized home childcare providers under that Act, during the hours childcare is provided";

(2) by replacing paragraph 8.3 by the following paragraph:

"(8.3) casinos, bingo halls and other gambling facilities;".

"**96.** Section 2.1 of the Act is amended by inserting "day camps and" after "grounds of" in subparagraph 8 of the first paragraph.

"**97.** Section 3 of the Act is amended by replacing the second paragraph by the following paragraph:

"Subject to section 13 of the Cannabis Regulation Act (2018, chapter 19, section 19), the smoking room must be used only for tobacco use and only by persons living or lodged in the place."

"**98.** Section 23 of the Act is amended by replacing "brand element" in the first and second paragraphs by "distinguishing guise".

"**99.** Section 24.1 of the Act is amended by replacing "brand element" by "distinguishing guise".

"**100.** Section 27 of the Act is amended by replacing "brand element" in the first and second paragraphs by "distinguishing guise".

"ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

"**101.** The Act respecting occupational health and safety (chapter S-2.1) is amended by inserting the following section after section 49:

"**49.1.** A worker must not perform his work if his condition represents a risk to his health, safety or physical well-being or that of other persons at or near the workplace by reason, in particular, of his being impaired by alcohol, drugs, including cannabis, or any similar substance.

On a construction site, the condition of a worker who is impaired by alcohol, drugs, including cannabis, or any similar substance, represents a risk for the purposes of the first paragraph."

"**102.** The Act is amended by inserting the following section after section 51.1:

"**51.2.** The employer must see to it that a worker does not perform his work if his condition represents a risk to his health, safety or physical well-being or that of other persons at or near the workplace by reason, in particular, of his being impaired by alcohol, drugs, including cannabis, or any similar substance.

On a construction site, the condition of a worker who is impaired by alcohol, drugs, including cannabis, or any similar substance, represents a risk for the purposes of the first paragraph."

"COURTS OF JUSTICE ACT

"**103.** Schedule V to the Courts of Justice Act (chapter T-16) is amended by replacing "and the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27)" at the end of the first item of the list in paragraph 1 by ", the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27) and the Cannabis Act (Statutes of Canada, 2018, chapter 16)".

"REGULATION UNDER THE TOBACCO CONTROL ACT

"**104.** Section 1 of the Regulation under the Tobacco Control Act (chapter L-6.2, r. 1) is amended by inserting the following paragraph after the first paragraph:

"Except for Chapter II of the Act, the first paragraph does not apply to cannabis within the meaning of the Cannabis Regulation Act (2018, chapter 19, section 19)."

"**105.** Section 1.1 of the Regulation is repealed.

"SAFETY CODE FOR THE CONSTRUCTION INDUSTRY

"**106.** Section 2.4.2 of the Safety Code for the construction industry (chapter S-2.1, r. 4) is amended by striking out subparagraph *e* of the first paragraph.

"**CHAPTER XVIII**

"TRANSITIONAL PROVISIONS

"**107.** A lessor may, until (*insert the date that is 90 days after the date of coming into force of section 1 of the Cannabis Regulation Act*), modify the conditions of the lease of a dwelling by adding a prohibition against smoking cannabis.

To that end, the lessor must give the lessee a notice of modification describing the prohibition against smoking cannabis applicable to the use of the leased premises.

The lessee may refuse the modification for medical reasons. The lessee must do so by informing the lessor of the refusal within 30 days after receiving the notice of modification. In such a case, the lessor may apply to the Régie du logement, within 30 days after receiving the notice of refusal, for a ruling on the modification of the lease.

In the absence of a refusal, the prohibition is deemed entered in the lease 30 days after the lessee received the notice of modification.

"**108.** The first regulation made under section 20 must be examined by the competent committee of the National Assembly for a period not exceeding three hours before it is adopted by the Government.

"**109.** Until (*insert the date of coming into force of section 258 of the Act to facilitate oversight of public bodies' contracts and to establish the Autorité des marchés publics (2017, chapter 27)*), the reference to the Autorité des marchés publics in the first paragraph of section 26 is to be read as a reference to the Autorité des marchés financiers.

"**110.** Despite the first paragraph of section 66, the first annual report from the cannabis oversight committee must be submitted to the Minister not later than 30 September 2019.

"**111.** For each of the fiscal years from 2018–2019 to 2022–2023, should the transfer to the Cannabis Prevention and Research Fund made under paragraph 2 of section 23.30 of the Act respecting the Société des alcools du Québec (chapter S-13), enacted by section 5, not reach the minimum threshold of $25,000,000, the Minister of Finance is to transfer the sum required to make up the difference out of the General Fund to be credited to the Fund.

"**112.** The Government may, by a regulation made before (*insert the date that is one year after the date of coming into force of section 1 of the Cannabis Regulation Act*), take any measure necessary for carrying out this Act and fully achieving its purpose.

A regulation made under this section is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1); in addition, once published and if it so provides, it may apply from any date not prior to 12 June 2018.

"**113.** A regulation made before (*insert the date that is three months after the date of coming into force of section 1 of the Cannabis Regulation Act*) for the purposes of this Act may have a shorter publication period than that required under section 11 of the Regulations Act, but not shorter than 20 days. In addition, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

"**114.** The expenditure and investment estimates for the Cannabis Prevention and Research Fund, set out in Schedule I, are approved for the 2018–2019 fiscal year.

"SCHEDULE I
"(*Section 114*)

"CANNABIS PREVENTION AND RESEARCH FUND

"EXPENDITURE AND INVESTMENT ESTIMATES
(millions of dollars)

	2018–2019
Revenues	**25**
Expenditures	**– 25**
Surplus (deficit) of the fiscal year	—
Ending cumulative surplus (deficit)	—
Investments	
Financing Fund loan balance or balance of advances to (from) the general fund	—
Total borrowings or advances	—".

PART III

PROVISIONS RESPECTING HIGHWAY SAFETY

CHAPTER I

AMENDING PROVISIONS

AUTOMOBILE INSURANCE ACT

20. Section 83.30 of the Automobile Insurance Act (chapter A-25) is amended by replacing "by reason of an offence described in paragraph *a* of subsection 1 or in subsection 3 or 4 of section 249, subsection 1 of section 252, section 253, subsection 5 of section 254 or subsection 2 or 3 of section 255 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, if the offence is committed with an automobile, in section 220, 221 or 236 of that Code" in the first paragraph by "by reason of an offence described in any of sections 320.13 to 320.16 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, if the offence is committed with an automobile, any of sections 220, 221 and 236 of that Code".

HIGHWAY SAFETY CODE

21. Section 4 of the Highway Safety Code (chapter C-24.2) is amended by inserting the following definition in alphabetical order:

""**drug**" includes cannabis and the other substances included in the types of drugs listed in subsection 5 of section 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);".

22. Section 5.1 of the Code, amended by section 5 of chapter 7 of the statutes of 2018, is again amended by replacing the portion before "a person is deemed to have the care or control" by "**5.1.** For the purposes of this Code,".

23. Section 73 of the Code is amended by replacing the fifth paragraph by the following paragraph:

"If the medical examination of a person shows that the person has a disorder related to the consumption of alcohol or if a health assessment establishes that the person's relationship with alcohol or drugs compromises the safe operation of a road vehicle corresponding to the class of licence concerned, the person may be authorized to drive such a vehicle under a driver's licence or a probationary licence only if the vehicle is equipped with an alcohol ignition interlock device approved by the Société."

24. Section 76 of the Code is amended by replacing "an order prohibiting the offender from operating a road vehicle under any of subsections 1, 2 and 3.1 to 3.4 of section 259 of the Criminal Code" in the second paragraph by "an order prohibiting the offender from operating a road vehicle under Part VIII.1 of the Criminal Code on offences relating to conveyances".

25. Section 76.1 of the Code is amended by replacing "evading a police car or leaving the scene of an accident" by "fleeing from a peace officer or failing to stop after an accident".

26. Section 76.1.1 of the Code is amended by replacing "for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample" by "for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs".

27. Section 76.1.2 of the Code, amended by section 13 of chapter 7 of the statutes of 2018, is again amended, in the first paragraph,

(1) by replacing "is an alcohol-related offence" by "is an alcohol- or drug-related offence";

(2) by replacing "for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample" by "for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs".

28. Section 76.1.4 of the Code, amended by section 15 of chapter 7 of the statutes of 2018, is again amended

(1) by replacing "is refusing to provide a breath sample" in the first paragraph by "is failing or refusing to comply with a peace officer's demand";

(2) by replacing "for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample" in the second paragraph by "for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs".

29. Section 76.1.6 of the Code, replaced by section 18 of chapter 7 of the statutes of 2018, is amended, in the first paragraph,

(1) by replacing "an alcohol-related offence" by "an alcohol- or drug-related offence";

(2) by replacing "refusing to provide a breath sample" by "failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs".

30. Section 76.1.7 of the Code is amended by replacing paragraphs 1 to 5 by the following paragraphs:

"(1) "an alcohol- or drug-related offence" means any offence under section 320.14 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) other than having a high blood alcohol concentration level;

"(2) "having a high blood alcohol concentration level" means any offence under section 320.14 of the Criminal Code for which a court decision states that the offender's blood alcohol concentration level at the time of the offence was equal to or in excess of 160 mg of alcohol in 100 ml of blood;

"(3) "failing or refusing to comply with a peace officer's demand" means any offence under section 320.15 of the Criminal Code following an order made under section 320.27 or 320.28 of the Criminal Code;

"(4) "failing to stop after an accident" means any offence under section 320.16 of the Criminal Code; and

"(5) "fleeing from a peace officer" means any offence under section 320.17 of the Criminal Code."

31. Section 76.1.12 of the Code is amended by replacing the last two sentences by the following: "The person, in such a case, is prohibited from operating a vehicle or having the care or control of a vehicle if alcohol, cannabis or any other drug is present in the person's body, subject to the exceptions provided for by government regulation. The Société may require the person to provide information and documents concerning the person's relationship with alcohol or drugs.

For the purposes of this section, the prohibited presence of cannabis or any other drug in the person's body means a presence that is detectable in oral fluid by means of the screening equipment referred to in section 202.3."

32. Section 141 of the Code is amended by replacing "an alcohol-related offence" in the second paragraph by "an alcohol- or drug-related offence".

33. Section 143 of the Code is amended by inserting ", 202.4.1" after "202.4".

34. Section 143.1 of the Code is amended by replacing "and subparagraph 2 of the first paragraph of section 202.4" by ", subparagraph 2 of the first paragraph of section 202.4 and subparagraph 2 of the first paragraph of section 202.4.1".

35. Section 144 of the Code is amended by inserting ", subparagraph 1 of the first paragraph of section 202.4.1" after "202.4".

36. Section 180 of the Code is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

"(1) sections 220, 221 and 236 (criminal negligence causing death or bodily harm, or manslaughter);

"(2) section 320.13 (dangerous operation);

"(3) section 320.14 (operation while impaired by alcohol or a drug);

"(4) section 320.15 (failure or refusal to comply with a peace officer's demand made under section 320.27 or 320.28 of the Criminal Code);

"(5) section 320.16 (failure to stop after an accident); and

"(6) section 320.17 (flight from a peace officer)."

37. Section 181 of the Code is amended by replacing "for more than one offence under section 253, subsection 5 of section 254 or subsection 2, 2.1, 2.2, 3, 3.1 or 3.2 of section 255 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)" in the second paragraph by "for more than one offence under section 320.14 or 320.15 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)".

38. Section 202.0.1 of the Code is amended by replacing,

(1) in the introductory clause of the first paragraph,

(*a*) "convicted of an alcohol-related offence" by "convicted of an alcohol- or drug-related offence";

(*b*) "an alcohol-related offence or at least once for an offence relating to a high blood alcohol concentration level, for refusing to provide a breath sample or for failing to stop at the scene of an accident" by "an alcohol- or drug-related offence or at least once of an offence relating to a high blood alcohol concentration level, for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs, for failing to stop after an accident or for fleeing from a peace officer";

(2) in the second paragraph,

(*a*) "relating to a high blood alcohol concentration level, for refusing to provide a breath sample or for failing to stop at the scene of an accident" by "relating to a high blood alcohol concentration level, for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs, for failing to stop after an accident or for fleeing from a peace officer";

(*b*) "alcohol-related" by "alcohol- or drug-related".

39. Section 202.0.3 of the Code is replaced by the following section:

"**202.0.3.** For the purposes of section 202.0.1, the definitions in section 76.1.7 apply."

40. Section 202.1.4 of the Code is amended by inserting "or 202.4.1" after "202.4" in the second paragraph.

41. Section 202.1.5 of the Code is repealed.

42. The Code is amended by inserting the following section after section 202.2.1.2:

"**202.2.1.3.** It is prohibited for any person to drive or have the care or control of a road vehicle if cannabis or any other drug is present in the person's body, subject to the exceptions provided for by government regulation.

For the purposes of this section, the prohibited presence of cannabis or any other drug in a person's body means a presence that is detectable in oral fluid by means of the screening equipment referred to in section 202.3."

43. Section 202.3 of the Code is amended by replacing everything after the first sentence of the first paragraph by the following:

"A peace officer who reasonably suspects the presence of cannabis or any other drug in the body of a person subject to the prohibition set out in section 202.2.1.3 may also order that person to immediately provide such samples of oral fluid as in the opinion of the peace officer are necessary to enable a proper analysis to be made by means of the screening equipment approved by the Minister of Public Security.

The peace officer may, for the purpose of collecting breath samples or oral fluid samples, order a person to accompany him or her.

Any screening device or equipment referred to in this section must be maintained and used in accordance with the standards prescribed by regulation by persons who have received the training prescribed by regulation.

"**202.3.1.** The Government shall, by regulation, determine maintenance standards for screening devices and equipment and conditions for their use as well as the training that peace officers must undergo."

44. Section 202.4 of the Code is amended by replacing both occurrences of "a breath test carried out by means of an approved instrument" and both occurrences of "a breath test conducted by means of an approved instrument" by "an analysis of a sample of the person's breath made by means of an approved instrument" and by replacing all occurrences of "in excess of 80 mg", "equal to or less than 80 mg" and "under section 202.3" by "equal to or in excess of 80 mg", "less than 80 mg" and "in accordance with section 202.3", respectively.

45. The Code is amended by inserting the following section after section 202.4:

"**202.4.1.** On behalf of the Société, a peace officer shall immediately suspend, for 90 days, the licence of any person driving or having the care or control of a road vehicle

(1) if, according to the evaluation conducted by an evaluating officer in accordance with paragraph a of subsection 2 of section 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), the person is impaired by cannabis or any other drug or by a combination of cannabis or any other drug and alcohol; or

(2) if the analysis by means of drug screening equipment in accordance with section 202.3 or the Criminal Code demonstrates that cannabis or any other drug is present in the person's body.

The suspension applies to any licence authorizing the operation of a road vehicle and to the right to obtain such a licence."

46. Section 202.5 of the Code is replaced by the following section:

"**202.5.** On behalf of the Société, a peace officer may also immediately suspend, for 90 days, the licence of any person who fails or refuses to comply with an order given to the person by a peace officer under section 202.3 of this Code or a peace officer's demand under section 320.27 or 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)."

47. Section 202.6 of the Code, amended by section 30 of chapter 7 of the statutes of 2018, is again amended by replacing "under section 202.1.4, 202.1.5, 202.4 or 202.5.1" by "under section 202.1.4, 202.4, 202.4.1, 202.5 or 202.5.1".

48. Section 202.6.4 of the Code is amended by replacing "a copy of any certificate of a qualified technician under section 258 of the Criminal Code" by "a copy of a certificate of a qualified technician or of a document sent to the person stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)".

49. Section 202.6.5 of the Code is amended by replacing paragraph 3 by the following paragraph:

"(3) a copy of a certificate of a qualified technician or, if applicable, of a document stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46); and".

50. Section 202.6.6 of the Code, amended by section 31 of chapter 7 of the statutes of 2018, is again amended

(1) by replacing subparagraph 1 by the following subparagraph:

"(1) in the case of a suspension under subparagraph 2 of the first paragraph of section 202.4 or of section 202.4.1, that no alcohol or, as the case may be, cannabis or other drug was present in the person's body;";

(2) by inserting "was equal to or" before "exceeded" in subparagraph 2;

(3) by inserting the following subparagraph after subparagraph 2:

"(2.1) that the person was driving or had the care or control of the road vehicle without being impaired by cannabis or any other drug, whether combined with alcohol or not;";

(4) by replacing "or section 254 of the Criminal Code" in subparagraph 3 by "or under section 320.27 or 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)".

51. Section 202.6.7 of the Code is amended by replacing "referred to in section 258 of the Criminal Code" in the second paragraph by "or of a document stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)".

52. Section 202.8 of the Code is amended by adding the following paragraphs at the end:

"A person who contravenes section 202.2.1.3 is also guilty of an offence and is liable to the same fine. The fine is doubled in the case of a second or subsequent offence.

However, if the person who contravenes section 202.2 or 202.2.1.3 is the holder of a licence authorizing the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device or if that person is exempted under section 76.1.12 from the requirement to so equip a road vehicle, that person is liable to a fine of $1,500 to $3,000."

53. Section 209.1 of the Code is amended by inserting "and to the holder of a licence authorizing the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device who drives a road vehicle or has the care or control of the road vehicle in contravention of the prohibitions under sections 202.2 and 202.2.1.3" at the end of the third paragraph.

54. Section 209.2 of the Code is amended by replacing "202.1.5, 202.4" by "202.4, 202.4.1".

55. Section 209.2.1 of the Code is amended

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

"(1) has a blood alcohol concentration level that is shown, by an analysis of a sample of the person's breath made by means of an approved instrument in accordance with the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), to be equal to or in excess of 160 mg of alcohol in 100 ml of blood and, during the 10 years before the seizure, the person's licence was not cancelled for an alcohol- or drug-related offence, for having a high blood alcohol concentration level, for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs, for fleeing from a peace officer or for failing to stop after an accident; or

"(2) fails or refuses, without a reasonable excuse, to comply with a peace officer's demand under section 320.27 or 320.28 of the Criminal Code and, during the 10 years before the seizure, the person's licence was not cancelled for any of the offences referred to in subparagraph 1;";

(2) by replacing "in order to undergo the breath analysis test until the time the test is completed" in the second paragraph by "for the analysis of a sample of the person's breath to be made by means of an approved instrument until the time the analysis is completed".

56. Section 209.2.1.1 of the Code is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

"(1) has a blood alcohol concentration level that is shown, by an analysis of a sample of the person's breath made by means of an approved instrument in accordance with the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), to be equal to or in excess of 80 mg of alcohol in 100 ml of blood and, during the 10 years before the seizure, the person's licence was cancelled for an alcohol- or drug-related offence, for having a high blood alcohol concentration level, for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs, for fleeing from a peace officer or for failing to stop after an accident;

"(2) fails or refuses, without a reasonable excuse, to comply with a peace officer's demand under section 320.27 or 320.28 of the Criminal Code and, during the 10 years before the seizure, the person's licence was cancelled for any of the offences referred to in subparagraph 1; or

"(3) is impaired by cannabis or any other drug or by a combination of cannabis or any other drug and alcohol according to the evaluation conducted by an evaluating officer in accordance with paragraph a of subsection 2 of section 320.28 of the Criminal Code and, during the 10 years before the seizure, the person's licence was cancelled for any of the offences referred to in subparagraph 1."

57. Section 209.2.1.3 of the Code is amended by replacing "202.0.3" by "76.1.7".

58. Section 443 of the Code is amended by replacing "therein" in the first paragraph by "or consume cannabis or other drugs, subject to the exceptions provided for by government regulation, in the vehicle".

59. Section 489 of the Code is amended by adding the following sentence at the end: "The same applies to the consumption of cannabis or any other drug, subject to the exceptions provided for by government regulation."

60. Section 587 of the Code is amended

(1) by replacing "under any of subsections 1, 2 and 3.1 to 3.4 of section 259 of the Criminal Code (R.S.C. 1985, c. C-46)" in the second paragraph by "under Part VIII.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) on offences relating to conveyances";

(2) by replacing "exceeded" in the third paragraph by "was equal to or in excess of".

61. Section 619 of the Code is amended by striking out paragraph 7.1.

ACT RESPECTING ADMINISTRATIVE JUSTICE

62. Section 119 of the Act respecting administrative justice (chapter J-3) is amended by inserting "or drugs" after "alcohol" in paragraph 7.

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

63. Section 18 of the Act respecting transportation services by taxi (chapter S-6.01) is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph:

"(2) has been found guilty in the last five years of an offence under any of sections 5 to 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or any of sections 9, 10, 11 and 14 of the Cannabis Act (Statutes of Canada, 2018, chapter 16); or".

64. Section 26 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) if the person has been convicted, in the last five years, of an offence under any of sections 5 to 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or any of sections 9, 10, 11 and 14 of the Cannabis Act (Statutes of Canada, 2018, chapter 16); and".

ACT RESPECTING OFF-HIGHWAY VEHICLES

65. Section 24 of the Act respecting off-highway vehicles (chapter V-1.2) is replaced by the following section:

"**24.** No person shall consume alcoholic beverages in or on an off-highway vehicle or in or on a sleigh or trailer towed by an off-highway vehicle, nor may a person consume cannabis or any other drug in or on such a vehicle, sleigh or trailer, subject to the exceptions provided for by government regulation."

ACT TO AMEND THE HIGHWAY SAFETY CODE AND OTHER PROVISIONS

66. Section 5 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7) is repealed.

67. Section 216 of the Act is amended by striking out "section 5 to the extent that it enacts section 202.5.1 of the Highway Safety Code," in paragraph 8.

CHAPTER II

TRANSITIONAL PROVISIONS

68. For the purpose of determining administrative penalties or assessing a subsequent offence or repeated offences in the enforcement of the Highway Safety Code (chapter C-24.2), convictions for an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) to which the Highway Safety Code refers in any version that precedes the coming into force of this section are to be taken into account.

69. Until the coming into force of section 27, section 76.1.2 of the Highway Safety Code is to be read as if

(1) "is an alcohol-related offence" in the first paragraph were replaced by "is an alcohol- or drug-related offence"; and

(2) "for refusing to provide a breath sample or for an alcohol-related offence" in subparagraphs 1 and 2 of the second paragraph were replaced by "for an alcohol- or drug-related offence or for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs".

70. Until the coming into force of section 14 of chapter 7 of the statutes of 2018, section 76.1.3 of the Highway Safety Code is to be read as if "for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample" were replaced by "for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer's demand in connection with alcohol or drugs".

71. Until the coming into force of section 28, section 76.1.4 of the Highway Safety Code is to be read as if "is refusing to provide a breath sample" were replaced by "is failing or refusing to comply with a peace officer's demand".

72. Until the coming into force of section 17 of chapter 7 of the statutes of 2018, section 76.1.5 of the Highway Safety Code is to be read as if both occurrences of "for an alcohol-related offence" were replaced by "for an alcohol- or drug-related offence".

73. Until the coming into force of section 29, section 76.1.6 of the Highway Safety Code is to be read as if all occurrences of

(1) "alcohol-related" were replaced by "alcohol- or drug-related"; and

(2) "for refusing to provide a breath sample" were replaced by "for failing or refusing to comply with a peace officer's demand".

PART IV

FINAL PROVISIONS

74. For the purposes of this Act, the updating of the Compilation of Québec Laws and Regulations also implies the power to adjust, as needed, the numbers of the federal provisions to which this Act refers so that they are consistent with the final numbering of those provisions in the Cannabis Act (Statutes of Canada, 2018, chapter 16) and the Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts (Statutes of Canada, 2018, chapter 21).

75. The provisions of this Act come into force on the date or dates to be set by the Government, except

(1) section 6, except to the extent that it enacts section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), and sections 8 to 18, 22, 66 and 67, which come into force on 12 June 2018;

(2) section 19, to the extent that it enacts Chapters XI and XIV of the Cannabis Regulation Act (2018, chapter 19, section 19), which comes into force on 12 June 2018; and

(3) sections 27, 28 and 29, which come into force on the date of coming into force of sections 13, 15 and 18 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), respectively.

SCHEDULE I
(*Section 18*)

CANNABIS SALES REVENUE FUND

EXPENDITURE AND INVESTMENT ESTIMATES
(millions of dollars)

	2018–2019
Revenues	
Québec component of the excise duty	23
Amounts paid as dividends – Société québécoise du cannabis	—
Other revenues (appropriations, gifts, legacies, etc.)	32
Total revenues	**55**
Expenditures	
Cannabis Prevention and Research Fund	– 25
Elimination of deficit – Société québécoise du cannabis	– 9
Expenditures in connection with the prevention of, and the fight against the harm associated with, psychoactive substance use – allowed by designating order	– 21
Total expenditures	**– 55**
SURPLUS (DEFICIT)	—
Investments	
Financing Fund loan balance or balance of advances to (from) the general fund	—
Total borrowings or advances	—

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 170
(2018, chapter 20)

An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages

Introduced 21 February 2018
Passed in principle 3 May 2018
Passed 12 June 2018
Assented to 12 June 2018

Québec Official Publisher
2018

EXPLANATORY NOTES

This Act proposes several amendments to the legal framework applicable to liquor permits and to certain legislative provisions concerning alcoholic beverages.

The Act first updates the various classes of permits. It amends the designation of certain permits and clarifies or broadens the activities they authorize. It also creates two new classes of permits, the accessory permit and the delivery permit, and grants the Government the power to determine other classes of permits. Furthermore, certain permits will be allowed to include a "no minors" option, or a "caterer", "service" or "domestic manufacture" option authorizing the holder of the permit to carry out specific activities.

Amendments are made to the conditions for issuing permits. Persons who are not Canadian citizens may obtain a permit even if they do not reside in Québec as permanent residents, provided they have a work permit issued by Canadian immigration authorities that allows them to work in Québec. The Régie des alcools, des courses et des jeux (the board) must refuse to issue a permit to an applicant if the person responsible for managing the establishment where the permit would be used has, in the five years preceding the application, committed an indictable offence or offence that would have prevented the applicant from obtaining the permit. Lastly, the board is granted the power to impose, on issuing a permit, any condition related to the use of the permit that it considers relevant to ensure public safety or public tranquility.

The Act also makes several amendments to the conditions for using the various permits, allowing, for instance, a permit to be issued for seasonal use. It extends the hours during which a grocery permit may be used by one hour to make it possible for the authorized activities to begin at 7 a.m., and allows the board to modify the hours of use for certain other permits on statutory holidays or during a cultural, social, sporting or tourist event.

The Act provides that a bar permit will now allow minors on a terrace until 10 p.m. rather than 8 p.m. provided, as is currently the case, that they are accompanied by a person having parental authority. It extends by 30 minutes the period during which a person's

presence may be tolerated after the hours during which a bar permit may be used, thus allowing patrons to remain in the establishment until 4 a.m. It allows alcoholic beverages to be served to patrons, on certain conditions, in an establishment where a restaurant permit is used, without the patrons being absolutely required to consume food there. It limits to 7% the alcohol content of beer blends that may be sold by a grocery permit holder.

Under the Act, bottles of alcoholic beverages may be opened and carafes of wine and alcoholic beverage mixes prepared in advance, empty alcoholic beverage bottles not bearing the appropriate stamp may be used for decorative purposes, and alcoholic beverages may be used or made for educational or research purposes.

The Act allows the consumption of alcoholic beverages in the common areas of a lodging facility, subject to the board's approval.

The Act allows alcoholic beverage producers to use their production permit to participate in tasting shows to promote their products without being required to obtain an event permit. It allows small-scale beer producer's permit holders to sell the alcoholic beverages they make to an event permit holder, and distiller's permit holders to sell the alcohol and spirits they make at the place where they are produced for consumption elsewhere, except to a holder of a permit authorizing the sale of alcoholic beverages. It prohibits the simultaneous possession of an industrial wine maker's or distiller's permit and a small-scale production permit.

Under the Act, permit holders, persons responsible for managing the establishment where a permit is used and any other member of a permit holder's personnel determined by the Government are required to take training on the responsible consumption of alcoholic beverages. During the hours during which a permit authorizing alcoholic beverages to be sold or served may be used, the permit holder or a member of the holder's personnel who has taken training recognized by the board must be present in the establishment.

The Government may determine the conditions for obtaining or using a permit that do not apply to one or more classes of permits and, where that is the case, the rules applicable. It may also determine the cases in which an authorization is required.

The board is granted the power to suspend or revoke a permit issued under the Act respecting liquor permits or the Act respecting the Société des alcools du Québec, or to impose on the permit holder a monetary administrative penalty, for failure to comply with the

Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages. The board may reject as of right an objection to certain requests it receives when the objection is made solely on economic or competitive grounds. The board may also take any measure aimed at encouraging permit holders to comply with the law.

The Act grants the board additional powers to make orders, which powers may be exercised at hearings held before the board within less than 20 days in cases where the holder of a permit issued under the Act respecting the Société des alcools du Québec makes alcoholic beverages in a manner not in compliance with the legal framework or selling alcoholic beverages to a person who holds a permit but is not authorized to sell them. Such orders are published on the board's website, and any permit holder who keeps or possesses alcoholic beverages in his or her establishment that are the subject of such an order must comply with the order.

The Act abolishes, on 12 June 2020, the obligation regarding the identification of alcoholic beverage containers.

Lastly, the Act contains consequential amendments to various other Acts, as well as transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting offences relating to alcoholic beverages (chapter I-8.1);

– Act respecting liquor permits (chapter P-9.1);

– Police Act (chapter P-13.1);

– Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1);

– Act respecting the Société des alcools du Québec (chapter S-13);

– Act respecting the Québec sales tax (chapter T-0.1).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec (chapter A-7.003, r. 1);

– Regulation respecting liquor permits (chapter P-9.1, r. 5);

– Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6);

– Regulation respecting the Québec sales tax (chapter T-0.1, r. 2).

REGULATION REPEALED BY THIS ACT:

– Regulation respecting the prescribed manner of identifying a beer container (chapter T-0.1, r. 1).

Bill 170

AN ACT TO MODERNIZE THE LEGAL REGIME APPLICABLE TO LIQUOR PERMITS AND TO AMEND VARIOUS OTHER LEGISLATIVE PROVISIONS WITH REGARD TO ALCOHOLIC BEVERAGES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LIQUOR PERMITS

1. Section 1 of the Act respecting liquor permits (chapter P-9.1) is amended by adding the following paragraph at the end:

"In addition, the expression "lodging facility" means a tourist accommodation establishment for which a classification certificate has been issued under the Act respecting tourist accommodation establishments (chapter E-14.2) and which falls into one of the classes determined by the Government by regulation."

2. Sections 25 to 34.2 of the Act are replaced by the following:

"§1. — *General provision*

"**25.** The permits issued under this Act are the bar permit, restaurant permit, accessory permit, event permit, grocery permit, delivery permit, cider seller's permit, and winemaking and brewing centre permit.

In addition to the permits provided for in this Act, the Government may, by regulation, determine any other permit that may be issued under this Act, specify the activities involving alcoholic beverages that such a permit authorizes and prescribe the conditions for obtaining and using it.

"§2. — *Permit authorizing consumption on the premises*

"**26.** A bar permit authorizes, as principal activity in an establishment, the sale of alcoholic beverages for consumption on the premises.

A bar permit also authorizes the permit holder to allow a patron to take home a partially consumed container of wine purchased in the establishment, provided the container has been securely resealed.

"**27.** A restaurant permit authorizes, in an establishment whose principal and usual activity is to prepare and sell food on the premises, the sale of alcoholic beverages for consumption on the premises if such beverages are generally served as an accompaniment to the food.

A restaurant permit also authorizes the permit holder to allow a patron to take home a partially consumed container of wine purchased in the establishment, provided the container has been securely resealed.

The restaurant permit also authorizes the sale, for take out or delivery in a sealed container, of alcoholic beverages other than alcohol and spirits if such beverages are sold with food prepared by the permit holder.

"**28.** An accessory permit authorizes, as a secondary activity at the place it indicates, the sale of alcoholic beverages for consumption on the premises during tourist, social, family, sporting, cultural or other activities.

"**29.** A bar, restaurant or accessory permit, when used in a lodging facility, authorizes the sale of alcoholic beverages at the front desk of the facility, by means of a minibar installed in a guest room of the facility or, in accordance with the conditions of use determined by regulation, by means of a vending machine installed in the facility.

In these circumstances, such a permit also authorizes alcoholic beverages sold in accordance with the first paragraph to be consumed in a guest room of the lodging facility and, in accordance with the conditions prescribed by regulation, in the common areas of the facility approved by the board.

"**30.** An event permit authorizes, in the cases and on the conditions determined by regulation, the sale or service of alcoholic beverages for consumption on the premises at the place indicated on the permit.

"§3. — *Permit authorizing consumption elsewhere than on the premises*

"**31.** A grocery permit authorizes the sale and delivery, for consumption at a place other than the establishment, of beer and cider, as well as the wines and alcoholic beverages determined by a regulation made under paragraph 7 of section 37 of the Act respecting the Société des alcools du Québec (chapter S-13), other than alcohol, spirits, and beer blends containing more than 7% alcohol by volume.

A grocery permit also authorizes the holder to offer, in the cases and on the conditions determined by regulation, free tasting in the holder's establishment of the alcoholic beverages the holder is authorized to sell.

A grocery permit also authorizes the holder to sell at retail specific constituents of beer or wine, including malt, malt extracts, grapes, wort or must and concentrates, as well as equipment for the domestic manufacture of wine or beer for personal use, provided the holder purchases such products from the holder of a winemaking and brewing centre permit who sells them at wholesale.

"**32.** A delivery permit authorizes, on the conditions determined by regulation, the transportation of alcoholic beverages

(1) for delivery to a patron who acquires them from a restaurant permit holder in the manner provided for in the third paragraph of section 27; or

(2) in the course of the provision of a public transportation service, in which case the holder is authorized to purchase the alcoholic beverages from a person authorized to sell them.

"**33.** A cider seller's permit authorizes the sale of cider for consumption at a place other than the establishment.

"**34.** A winemaking and brewing centre permit authorizes the holder to sell at retail or wholesale specific constituents of beer or wine, including malt, malt extracts, grapes, wort or must and concentrates, as well as equipment for the domestic manufacture of beer or wine for personal use.

The holder of such a permit who sells at retail specific constituents of beer or wine as well as equipment for the domestic manufacture of beer or wine is required to purchase those products from the holder of a winemaking and brewing centre permit who sells them at wholesale.

"**DIVISION I.1**

"OPTIONS

"**34.1.** The board may, on an application, attach any of the following options, as applicable, to certain permits issued under this Act:

(1) "no minors";

(2) "caterer";

(3) "service"; or

(4) "domestic manufacture".

A permit with a "no minors" option prohibits, at all times, the presence of minors at the place where the permit is used.

A permit with a "caterer" option authorizes the sale of alcoholic beverages, served with food prepared by the permit holder, at the place where the holder serves the food.

A permit with a "service" option authorizes the holder to serve to his patrons, or allow them to consume on the premises at the place where the permit is used, alcoholic beverages the patrons have brought with them and which they may subsequently take away with them, provided those beverages are not alcohol, spirits or home-made beverages. However, a permit with such an option may not be used at a place for which a permit authorizing the sale of alcoholic beverages, other than an event permit, is already being used.

A permit with a "domestic manufacture" option authorizes the holder to place at the disposal of his patrons the space and equipment required to manufacture beer or wine for personal use.

The Government may, by regulation, determine other options that the board may, on an application, attach to a permit, and may specify the activities authorized by the options and the conditions for obtaining and using them."

3. Section 36 of the Act is replaced by the following section:

"**36.** To obtain a permit, a person must be of full age; if he is not a Canadian citizen, he must reside in Québec as a permanent resident or hold a work permit issued by Canadian immigration authorities that authorizes him to work in Québec, unless he is applying for an event permit as the authorized representative of a government, country, province or state."

4. Section 39 of the Act is amended by striking out "or, in the case of a "Man and his World" permit or an "Olympic Grounds" permit, have obtained a concession from, respectively, the City of Montréal or the Régie des installations olympiques" in subparagraph 1 of the first paragraph.

5. Section 40 of the Act is amended

(1) by replacing paragraphs 1 and 1.1 by the following paragraph:

"(1) show that he fulfils the conditions provided in this division and any other condition fixed by regulation,";

(2) by replacing "and terrace" in paragraph 2 by ", terrace or other place";

(3) by inserting "if the application is for a permit authorizing the sale or service of alcoholic beverages for consumption on the premises," after "used," in paragraph 2.1.

6. Section 41 of the Act is amended, in the second paragraph,

(1) by inserting "or, in the case of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, the person responsible for the management of the establishment concerned" after "if the applicant";

(2) by replacing "la réhabilitation" in the French text by "le pardon".

7. Section 42 of the Act is amended

(1) by inserting "or, in the case of a permit authorizing the sale or service of alcoholic beverages for consumption on the premises, the person responsible for the management of the establishment concerned" at the end of the introductory clause;

(2) by replacing "the applicant" in the last paragraph by "the applicant or the person responsible for the management of the establishment";

(3) by striking out "ou la réhabilitation" in the last paragraph in the French text.

8. Section 42.2 of the Act is replaced by the following section:

"**42.2.** The board may, on issuing a permit, impose any condition it considers appropriate concerning the use of the permit, including a restriction or prohibition, provided such a condition is aimed at ensuring public security or public tranquility."

9. Section 43 of the Act is repealed.

10. Section 46 of the Act is replaced by the following section:

"**46.** The board may issue an event permit despite the prohibitions or restrictions of any municipal by-law or the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

The issue of such a permit does not exempt the permit holder from the requirement to obtain any authorizations required under the Act respecting the preservation of agricultural land and agricultural activities and under municipal by-laws."

11. Section 47 of the Act is replaced by the following section:

"**47.** A permit issued by the board indicates

(1) the permit holder's name and the address of the establishment;

(2) the class of the permit and any options attached to it;

(3) the rooms or terraces of the establishment or any other place where the permit may be used;

(4) the seasonal or annual period during which the permit may be used and, in the case of a seasonal period, the start and end dates of that period;

(5) the number of persons who may be present simultaneously in each room or on each terrace of the establishment where the permit may be used;

(6) the payment date for the annual duties;

(7) if applicable, whether the presentation of a show, the projection of a film or dancing is authorized and, if applicable, the type of show authorized;

(8) if applicable, the common areas of a lodging facility that have been approved by the board; and

(9) any other information the board considers necessary."

12. Section 50 of the Act is amended

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

"Subparagraphs 1 to 3 of the first paragraph of section 39, the second and third paragraphs of that section, paragraph 2.1 of section 40, subparagraphs 1 to 1.2 of the first paragraph of section 41, sections 42 and 45 and paragraphs 4 to 6 of section 47 do not apply in the case of an event permit.";

(2) by replacing "do not apply to an application for" in the second paragraph by "and paragraph 5 of section 47 do not apply in the case of";

(3) by striking out the third paragraph;

(4) by replacing the fourth paragraph by the following paragraph:

"Subparagraph 3 of the first paragraph of section 39 and paragraph 5 of section 47 do not apply in the case of a delivery permit. Nor do they apply in the case of a winemaking and brewing centre permit, unless it has a "domestic manufacture" option, in which case subparagraph 3 of the first paragraph of section 39 applies.";

(5) by replacing "or authorization" in the last paragraph by ", application to have an option attached to the permit, or application for an additional approval, authorization or place".

13. Section 51 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing "a reunion permit, a "Man and his World" permit or an "Olympic Grounds" permit" in the second paragraph by "an event permit";

(*b*) by adding the following sentence at the end: "In addition, the issue of an event permit for a place covered by another permit in force has the effect of preventing the holder of that other permit from selling alcoholic beverages in that place during the entire period indicated on the event permit.";

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

"The first paragraph does not have the effect of allowing a holder to use his permit during the period for which it has been suspended."

14. The Act is amended by inserting the following section after section 51:

"**51.1.** The period during which a permit may be used is either seasonal or annual.

A permit that may be used during a seasonal period may not be used outside the continuous period it indicates even though the permit remains in force.

More than one permit for a seasonal period may be used in the same place by different holders, provided the activities authorized by the permits are not carried on simultaneously."

15. Section 53 of the Act is amended

(1) by replacing "administrative monetary penalty" in the first and second paragraphs by "monetary administrative penalty";

(2) by striking out "not less than 30 days" in the second paragraph.

16. The Act is amended by inserting the following section after section 58:

"**58.1.** A permit for a seasonal period authorizes the holder to use the permit during the continuous period it indicates, which may not exceed 183 days."

17. Section 59 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "If the alcoholic beverages are sold by means of a minibar in a guest room of a lodging facility, they may be sold at any time.";

(2) by replacing "sales permit" in the second paragraph by "permit or the transportation of alcoholic beverages authorized by the delivery permit";

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

"In addition, the board shall fix the hours, between 8 a.m. and 3 a.m. the following morning, during which each event permit may be used."

18. Section 60 of the Act is amended

(1) by striking out "and a cider seller's permit";

(2) by replacing "eight o'clock in the morning and eleven o'clock in the evening" by "7 a.m. and 11 p.m".

19. The Act is amended by inserting the following section after section 60:

"**60.0.1.** A cider seller's permit may be used every day within the period comprised between 8 a.m. and 11 p.m. during which a patron may be admitted to the establishment in accordance with the Act respecting hours and days of admission to commercial establishments (chapter H-2.1)."

20. Section 60.1 of the Act is amended by replacing "A raw material and equipment wholesaler's or retailer's" by "A winemaking and brewing centre".

21. Section 61 of the Act is replaced by the following section:

"**61.** Subject to section 61.1, the board may, on an application and if the board does not consider it to be contrary to the public interest or public security or likely to disturb public tranquility, change the hours during which a permit authorizing alcoholic beverages to be sold or served for consumption on the premises may be used on a statutory holiday or during a cultural, social, sporting or tourist event.

The board's decision may concern one or more permit holders or one or more classes of permits and may apply to all or part of the territory of Québec.

Before rendering its decision, the board shall consult the clerk or secretary-treasurer of the local municipality concerned as well as the director of the Sûreté du Québec or of the police force established for that territory and authorized under section 111."

22. Sections 62 and 63 of the Act are replaced by the following sections:

"**62.** The holder of a bar permit shall not admit a person to the rooms or terraces indicated on the permit outside the hours during which the permit may be used, nor tolerate a person's remaining there for more than one hour after those hours, unless the person is an employee of the establishment.

However, between 6 a.m. and 8 a.m., the permit holder may admit a person to the rooms or terraces indicated on the permit if no alcoholic beverage is consumed there and no video lottery machine can be played there.

"**63.** The holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises, other than a bar permit, may admit a person to the rooms or terraces indicated on the permit outside the hours during which the permit may be used.

No alcoholic beverage may be consumed there more than 30 minutes after those hours."

23. Section 65 of the Act is replaced by the following section:

"**65.** Despite section 59, in the passenger terminals of the Montréal Pierre-Elliott-Trudeau International Airport, the Québec City Jean-Lesage International Airport and any other passenger terminal determined by regulation, permits authorizing alcoholic beverages to be sold or served for consumption on the premises may be used at any time."

24. Section 66 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "However, a permit holder who uses the permit elsewhere than in the establishment where it is posted must make copies of it and keep one in his possession.";

(2) by replacing "restaurant sales permit" in the second paragraph by "restaurant permit".

25. Section 68 of the Act is amended by adding the following paragraph at the end:

"During such a reception, the permit holder may allow the presentation of a show, the projection of a film or dancing without having to obtain the authorization provided for in section 73."

26. Section 69.1 of the Act is amended by replacing "or on any terrace" by ", on any terrace or in any other place".

27. Section 70.1 of the Act is amended

(1) by replacing "The holder of a raw material and equipment wholesaler's or retailer's permit and the holder of a grocery permit who carries on activities authorized by a raw material and equipment retailer's permit" in the introductory clause of the first paragraph by "The holder of a winemaking and brewing centre permit and the holder of a grocery permit who sells specific constituents of beer or wine at retail";

(2) by replacing "raw material and equipment wholesaler" in subparagraph 2 of the first paragraph by "holder of a winemaking and brewing centre permit who sells at wholesale".

28. Section 71 of the Act is amended by replacing "social insurance number" by "date of birth".

29. Section 72.1 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "The same rule applies to the holder of a permit with a "caterer" option, at the place where he serves the food he has prepared.";

(2) by replacing "service permit" in subparagraph 1 of the second paragraph by "permit with a "service" option";

(3) by striking out "at a meal" in subparagraph 1 of the second paragraph;

(4) by replacing "a reunion permit" in the introductory clause of subparagraph 2 of the second paragraph by "an event permit".

30. Section 73 of the Act is replaced by the following section:

"**73.** The holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises, other than an event permit or accessory permit, shall not allow, in a room or on a terrace where he uses the permit, the presentation of a show, the projection of a film or dancing, unless authorized to do so by the board. However, the board's authorization is not required to use a radio, television or sound reproduction device in a room or on a terrace."

31. Section 74 of the Act is amended by striking out "by means of a facsimile of the signature of its secretary" in the second paragraph.

32. Section 76 of the Act is repealed.

33. Sections 77.1 and 77.2 of the Act are repealed.

34. The Act is amended by inserting the following sections after section 77.2:

"**77.3.** A permit holder, the person responsible for the management of the establishment where the permit is used, and the other members of the holder's personnel determined by government regulation must take training recognized by the board on the responsible consumption of alcoholic beverages.

The Government may, by regulation, determine the criteria the board must take into account in recognizing training offered in or outside Québec on the responsible consumption of alcoholic beverages, as well as the procedure for obtaining such recognition.

The Government may also, by regulation, determine any terms for implementing the training requirement, including with regard to the content of the training, which may vary according to the persons taking the training and the class of permit, and prescribe exemptions or transitional conditions for permit holders, persons responsible for the management of establishments, and permit holders' other personnel members.

During the hours during which a permit authorizing alcoholic beverages to be sold or served may be used, the permit holder or a member of the holder's personnel who has received training recognized by the board must be present in the establishment.

"**77.4.** A permit holder who keeps or possesses in his establishment alcoholic beverages that are the subject of a recall order made in accordance with section 35.2.1 of the Act respecting the Société des alcools du Québec (chapter S-13) must comply with the order. For that purpose, he must immediately cease selling the alcoholic beverages subject to the recall and remove them from his display."

35. The heading of Division V of Chapter III of the Act is amended by inserting ", PERIOD" after "PLACE".

36. The heading of subdivision 2 of Division V of Chapter III of the Act is amended by inserting "*or period*" after "*place*".

37. The Act is amended by inserting the following section before section 82:

"**81.1.** A permit holder may, while the permit is in force, apply

(1) before the 30th day preceding the end date of the permit's seasonal period, to change the period to an annual period, on payment of the duties fixed by regulation; or

(2) before the 183rd day following the anniversary date of the issue of a permit for an annual period, to change the period to a seasonal period."

38. Section 84 of the Act is amended by replacing "authorize the temporary change of any of the places covered by a permit" in the first paragraph by "temporarily authorize a change of one or all of the places where a permit is used".

39. The Act is amended by inserting the following section after section 84:

"**84.0.1.** When major changes are being made to the floor arrangement of a place where a permit is used, the board may, on payment of the duties determined by regulation, temporarily authorize a change of one or all of the places where the permit is used.

A permit holder who applies for an authorization for such a change must comply with the applicable conditions provided in sections 39 and 40.

The authorization may be renewed for the period fixed by the board."

40. Section 84.1 of the Act is replaced by the following section:

"**84.1.** Any change made to the floor arrangement of a place where a permit authorizing consumption on the premises is used must be authorized by the board.

A permit holder who applies for authorization to make such a change must comply with the applicable conditions provided in sections 39 and 40.

The board shall specify the floor plan considered to grant the authorization."

41. Section 85 of the Act is amended by replacing "or an authorization" by ", an authorization or approval, or an option attached to a permit".

42. Section 85.1 of the Act is amended

(1) by replacing "an administrative monetary penalty" in the introductory clause by "a monetary administrative penalty";

(2) by replacing "paragraph 15.2" in paragraph 5 by "paragraph 12 or 15.2".

43. Section 86 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing subparagraphs 6 and 7 by the following subparagraph:

"(6) the permit holder or the establishment where the permit is used no longer fulfils one of the conditions for the issue of the permit prescribed by regulation or imposed by the board in accordance with section 42.2;";

(*b*) by inserting the following subparagraph after subparagraph 8:

"(8.1) the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114, other than one for which a monetary administrative penalty is prescribed by that regulation or by the regulation made under paragraph 15.2 of that section;";

(*c*) by inserting "or the person responsible for the management of the establishment where the permit is used," after "mentioned in that section" in subparagraph 9;

(*d*) by replacing ", section 135 of the Youth Protection Act (chapter P-34.1) or section 33 of the Juvenile Delinquents Act (Revised Statutes of Canada, 1970, c. J-3)" in subparagraph 9 by "or section 135 of the Youth Protection Act (chapter P-34.1)";

(2) by inserting "or the person responsible for the management of the establishment where the permit is used," after "mentioned in section 38" in subparagraph 3 of the fourth paragraph;

(3) by replacing all occurrences of "administrative monetary penalty" by "monetary administrative penalty", with the necessary grammatical modifications.

44. Section 86.0.1 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "or approval" after "an authorization" and by replacing "the authorization" by "it";

(*b*) by replacing "the conditions for obtaining it are no longer being complied with" by "the permit holder no longer complies with the conditions attached to it";

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

"In addition, the board may revoke an option attached to a permit or suspend the option for the period it determines if the permit holder no longer fulfils the conditions for obtaining or using the option.";

(3) in the second paragraph,

(*a*) by inserting ", approval or option" after "authorization";

(*b*) by replacing "an administrative monetary penalty" by "a monetary administrative penalty".

45. Section 87 of the Act is amended

(1) by striking out "the second paragraph of section 76, section" in the first paragraph;

(2) by replacing ", 6 or 7" in the second paragraph by "or 6";

(3) by replacing all occurrences of "an administrative monetary penalty" by "a monetary administrative penalty".

46. Section 87.1 of the Act is amended

(1) by replacing "or terrace" in the introductory clause of the first paragraph by ", terrace or other place";

(2) in the second paragraph,

(*a*) by replacing "second" by "first";

(*b*) by replacing "or terrace" by ", terrace or place";

(*c*) by replacing "30 minutes" by "one hour";

(3) by replacing ", for the same hours, a restriction of the use of an authorization granted under section 73, if any" in the third paragraph by ", if applicable, a restriction for the same hours of the use of an authorization granted under section 73 or of the options attached to the permit".

47. Section 89 of the Act is amended by striking out "subparagraph 9 of the first paragraph of".

48. Section 89.2 of the Act is repealed.

49. The Act is amended by inserting the following section after section 90.1:

"**90.2.** Where alcoholic beverages are the subject of a recall order made in accordance with section 35.2.1 of the Act respecting the Société des alcools du Québec (chapter S-13), the board or, at its request, a member of a police force authorized under section 111 or a member of the Sûreté du Québec may put under seal the alcoholic beverages subject to that order that are then in the possession of the permit holder."

50. Section 95 of the Act is replaced by the following section:

"**95.** Any application filed with the board, except an application for an event permit or an application referred to in the second paragraph of section 79, must include the processing costs determined by regulation. These costs may vary depending on the type of application and are not reimbursable."

51. Section 96 of the Act is amended by inserting "an application to attach a "no minors" option to a permit," after "application for a permit," in the introductory clause of the first paragraph.

52. Section 97 of the Act is amended

(1) by replacing paragraphs 1 to 1.2 by the following paragraphs:

"(1) an application for an event permit, grocery permit, delivery permit, cider seller's permit, or winemaking and brewing centre permit;

"(1.1) an application for a restaurant permit with a "caterer" option, if the applicant intends to exercise that option exclusively;";

(2) by replacing "or authorization" in paragraphs 3 and 4 by ", application to have an option attached to the permit, or application for an additional authorization or place".

53. Section 99 of the Act is amended, in the first paragraph,

(1) by striking out "and sworn";

(2) by inserting "on grounds other than economic or competitive grounds" after "object".

54. Section 102 of the Act is amended

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

"(1.1) reject an objection made under section 99 solely on economic or competitive grounds;";

(2) by inserting ", or of an option attached to a permit" at the end of paragraph 2;

(3) by replacing "a permit," in paragraph 4 by "a permit or an option attached to it, or an authorization or approval".

55. The Act is amended by inserting the following section before section 114:

"**113.1.** The Government may, by regulation, determine the conditions for obtaining or using a permit that do not apply to one or more classes of permits and, where that is the case, the rules applicable.

It may also determine the cases in which the authorization provided for in section 73 is not required."

56. Section 114 of the Act is amended

(1) by replacing "The board may, in plenary session," in the introductory clause by "The Government may also, after consulting the board,";

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

"(1) determining classes of tourist accommodation establishments for the purpose of determining what constitutes a lodging facility;";

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

"(2) prescribing any other permit that may be issued under this Act, specifying the activities involving alcoholic beverages that such a permit authorizes and prescribing the conditions for obtaining and using the permit;

"(2.1) determining the options that may be attached to a permit and specifying the activities such options authorize and the conditions for obtaining or using the options;

"(2.2) determining the conditions for the issue and use of a permit under this Act, and the cases in which and conditions on which an event permit may be issued;

"(2.3) determining the conditions on which the holder of a delivery permit issued under this Act may transport alcoholic beverages;

"(2.4) determining the conditions that must be fulfilled to obtain approval for consumption of alcoholic beverages in the common areas in a lodging facility and the conditions for using a vending machine installed inside such a facility;

"(2.5) determining, for the purposes of section 65, the passenger terminals in which permits authorizing the sale or service of alcoholic beverages for consumption on the premises may be used at any time;";

(4) by striking out paragraph 3;

(5) by striking out paragraph 6.1;

(6) by replacing "it" in paragraph 7 by "the board";

(7) by replacing "sections 63 and 87.1 and in the second paragraph of section 76" in paragraph 10 by "section 87.1";

(8) by striking out paragraph 10.1;

(9) by replacing "it" in paragraph 11 by "the board";

(10) by inserting ", determining the failures to comply with that regulation that may give rise to a monetary administrative penalty and establishing the amount for each failure" at the end of paragraph 12;

(11) by inserting the following paragraphs after paragraph 13.1:

"(13.2) determining the criteria the board must take into account in recognizing training offered in or outside Québec on the responsible consumption of alcoholic beverages, as well as the procedure for obtaining such recognition;

"(13.3) determining the members of a permit holder's personnel who must take the training recognized by the board;

"(13.4) determining any terms for implementing the requirement to take the training recognized by the board, including with regard to the content of the training, which may vary according to the persons taking the training and the class of permit, and prescribe exemptions or transitional conditions for permit holders, persons responsible for the management of establishments, and permit holders' other personnel members;";

(12) by striking out paragraph 14;

(13) by replacing "administrative monetary penalty" in paragraphs 15.1 and 15.2 by "monetary administrative penalty", with the necessary grammatical modifications.

57. Section 116 of the Act is repealed.

58. The Act is amended by replacing all occurrences of "administrative monetary penalty" in sections 55, 79 and 85.2 by "monetary administrative penalty", with the necessary grammatical modifications.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

59. Section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended

(1) by striking out paragraph 2;

(2) by inserting "or place" after "any premises" in paragraph 13;

(3) by striking out paragraph 17;

(4) by replacing "or served" in paragraph 18 by ", served or transported";

(5) by striking out paragraphs 20 and 26;

(6) by replacing "section 91" in subparagraph *g* of paragraph 32 by "a provision of section 91 or 91.0.1".

60. Section 83 of the Act is amended

(1) by replacing "alcohol and spirits not purchased directly from the Corporation or a person authorized by it" in paragraph 1 by "and alcohol and spirits not purchased directly from the Corporation, from a person authorized by it or from a distiller's permit holder";

(2) by replacing "the holder of a grocery permit" in paragraph 4.1 by "a grocery permit or brewer's permit holder".

61. Section 83.2 of the Act is repealed.

62. Section 84 of the Act is repealed.

63. The Act is amended by inserting the following section after section 84:

"**84.0.1.** Despite any provision to the contrary, the holder of a permit authorizing alcoholic beverages to be sold or served for consumption on the premises may keep in his establishment any alcoholic beverage container to which the Corporation's stamp is not affixed, any container of an alcoholic beverage made by the holder of a small-scale production permit to which a numbered sticker issued by the board is not affixed, or any beer container that is not identified in accordance with the Regulation respecting the prescribed manner of identifying a beer container (chapter T-0.1, r. 1) provided the container is empty and displayed in public view solely for decorative purposes."

64. Section 84.1 of the Act is amended

(1) by striking out "that meets the standards prescribed by regulation of the board" in the first paragraph;

(2) by striking out the third paragraph.

65. The Act is amended by inserting the following section after section 84.1:

"**84.2.** Despite any provision to the contrary, the holder of a permit authorizing alcoholic beverages to be sold for consumption on the premises may prepare carafes of wine or mix alcoholic beverages in advance, as of the beginning of the hours during which the permit may be used, provided that at the end of those hours, he has destroyed or eliminated any wine remaining in the carafes and any remaining mix."

66. Section 85 of the Act is replaced by the following section:

"**85.** In any establishment where a permit is used, it is forbidden to sell or serve alcoholic beverages elsewhere than in the places indicated on the permit or authorized by law."

67. Section 91 of the Act is amended

(1) by inserting "or transportation" after "the sale" in paragraph *b*;

(2) by striking out "sales permit" in paragraph *j*.

68. The Act is amended by inserting the following section after section 91:

"**91.0.1.** Beer or wine made in the establishment of a winemaking and brewing centre permit holder by a person for personal use may be kept and possessed by the holder for the purposes authorized by his permit."

69. Section 91.1 of the Act is amended

(1) by striking out "a small-scale production permit or a brewer's permit issued under";

(2) by replacing "restaurant service permit" by "permit with a "service" option".

70. Section 92 of the Act is amended

(1) by replacing "or a brewer's" in paragraph *f* by ", brewer's permit or distiller's";

(2) by striking out "sales permit" in paragraph *g*;

(3) by replacing "sales" in paragraph *h* by "or delivery";

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

"(*i*) by any user referred to in section 100."

71. Section 93 of the Act is amended, in the first paragraph,

(1) by striking out "sales" in subparagraph *f*;

(2) by replacing "sales" in subparagraph *g* by "or delivery".

72. The Act is amended by inserting the following section after section 93:

"**93.1.** A person who has made beer or wine for personal use in the establishment of a winemaking and brewing centre permit holder is authorized to transport it."

73. Section 94 of the Act is amended by striking out "where no prohibition by-law is in force" at the end of the first paragraph.

74. Section 96 of the Act is replaced by the following section:

"**96.** No provision of this Act shall prohibit members of a professional order from purchasing and using alcoholic beverages

(*a*) for solution or sterilization purposes;

(*b*) in any preparation for external application that they administer themselves; or

(*c*) in compounding medicines."

75. The Act is amended by inserting the following section after section 96:

"**96.1.** No provision of this Act shall prohibit the purchase, possession, making or serving of alcoholic beverages, or allowing their consumption, for research or educational purposes."

76. Section 97 of the Act is repealed.

77. Section 98 of the Act is amended by replacing "97" by "96.1".

78. Section 99 of the Act is repealed.

79. Section 100 of the Act is replaced by the following section:

"**100.** No provision of this Act shall prevent the sale and delivery of alcohol by a person authorized by the Corporation or by a distiller who holds a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) directly to a user who uses the alcohol for purposes other than making an alcoholic beverage that can be used as a beverage for a person, provided that each quantity of alcohol so sold and delivered is not less than 4 litres.

The distiller and the person authorized by the Corporation must keep an annual register of sales made to users that specifies their name and address and the quantity and type of product sold, and send it to the board or Corporation at its request.

Such a register must be kept for five years from the date of the last sale."

80. Section 101 of the Act is repealed.

81. Section 102 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "in particular" after "sale" in the introductory clause;

(*b*) by striking out "solid" in subparagraph *a*;

(*c*) by striking out ", provided that such product does not contain alcohol in excess of the quantity required as a solvent or preservative, or provided that it is so compounded as to render it unsuitable for use as a beverage" in subparagraph *b*;

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

"However, if, after analysis, the board is of the opinion that a product listed in the first paragraph contains alcoholic beverages and can be used as a beverage for a person, it may notify the user, the vendor, the distiller, the person authorized by the Corporation or any person concerned.";

(3) in the third paragraph,

(*a*) by replacing "date" by "notification";

(*b*) by inserting "to be" after "deemed".

82. Section 103 of the Act is repealed.

83. Section 103.1 of the Act is replaced by the following section:

"**103.1.** The holder of a permit issued under the Act respecting liquor permits (chapter P-9.1) or the Act respecting the Société des alcools du Québec (chapter S-13) shall not sell or serve alcoholic beverages to a minor nor allow a minor to consume them in the establishment where the permit is used. Nor shall he sell or serve them to a person of full age if he knows that the person is buying or being served them for a minor."

84. Section 103.2 of the Act is amended by replacing "twenty hours" in subparagraph 1 of the second paragraph by "10 p.m.".

85. Section 103.3 of the Act is replaced by the following section:

"**103.3.** Section 103.2 does not apply when the permit is used on the production premises of the holder of a small-scale production permit, a small-scale beer producer's permit or a brewer's permit."

86. Section 103.5 of the Act is amended by replacing "twenty hours" by "10 p.m.".

87. Section 103.9 of the Act is amended by replacing "twenty hours" in subparagraph 3 of the first paragraph by "10 p.m.".

88. Section 107.1 of the Act is replaced by the following section:

"**107.1.** Whosoever

(1) sells at retail or wholesale specific constituents of beer or wine and equipment for the domestic manufacture of beer or wine without being the holder of a winemaking and brewing centre permit issued under the Act respecting liquor permits (chapter P-9.1) or makes the space and equipment required to make such alcoholic beverages available to his customers without his permit having a "domestic manufacture" option;

(2) being the holder of a winemaking and brewing centre permit or grocery permit authorized to sell at retail specific constituents of beer or wine and equipment for the domestic manufacture of these alcoholic beverages, buys such products from a permit holder who is not authorized to sell them at wholesale

is guilty of an offence and liable, for a first offence, to a fine of $500 to $1,000 and, for a second or subsequent offence, to a fine of $1,000 to $2,000."

89. Section 108 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 1.1 by the following subparagraph:

"(1.1) with a "service" option, serves or allows his customers to consume alcohols, spirits or home-made alcoholic beverages;";

(2) by replacing "service permit" in subparagraph 1.2 by "permit with a "service" option";

(3) by striking out subparagraphs 1.3 and 2;

(4) by inserting "or transport" after "to sell" in subparagraph 5.

90. Section 109 of the Act is amended

(1) by striking out ", subject to the second paragraph of section 28 of the Act respecting liquor permits (chapter P-9.1)," in paragraph 1;

(2) by striking out "his small-scale production permit or brewer's permit issued under" in paragraph 3;

(3) by inserting the following paragraph after paragraph 5:

"(5.1) is the holder of a permit and does not have a copy of it in his possession when he uses it elsewhere than in the establishment where it is posted;";

(4) by replacing "section 62" in paragraph 8 by "section 62 or 63".

91. Section 111 of the Act is amended by replacing "section 95.1" in paragraph *a* by "section 91.0.1 or 95.1".

92. Section 112 of the Act is amended

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

"(1) having acquired for resale a product containing alcoholic beverages that can be used as a beverage for a person, sells it as being one of the products listed in the first paragraph of section 102 after the notice provided for in that section was notified to him;";

(2) by striking out paragraph 2;

(3) by striking out "of a small-scale production permit or a brewer's permit issued under" in paragraph 3;

(4) by inserting "or transport" after "sell" in paragraph 3;

(5) by inserting "or transports" after "buys" in paragraph 7.

93. Section 114 of the Act is amended

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

"(1) sells a product containing alcoholic beverages that can be used as a beverage for a person as being one of the products listed in the first paragraph of section 102 after the notice provided for in that section was notified to him;";

(2) by striking out paragraph 3;

(3) by replacing "section 90.1 of the Act respecting liquor permits (chapter P-9.1) or section" in paragraph 4 by "sections 90.1 and 90.2 of the Act respecting liquor permits (chapter P-9.1) or sections 35.2.2 and".

94. Section 116 of the Act is amended by striking out "a small-scale production permit or a brewer's permit issued under".

95. Section 132.1 of the Act is amended

(1) by replacing "or served" by ", served or transported";

(2) by striking out "small-scale production permit or a brewer's".

POLICE ACT

96. Section 117 of the Police Act (chapter P-13.1) is amended by replacing "sales permit or a restaurant service permit described in section 28 or 28.1" in the second paragraph by "permit described in section 27".

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

97. Section 19 of the Act respecting the Régie des alcools, des courses et des jeux (chapter R-6.1) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) a register of applications presented under the Act respecting liquor permits (chapter P-9.1), permits issued under that Act, indicating the options attached to them, and the authorizations and approvals granted under that Act."

98. Section 23 of the Act is amended by inserting "options, approvals," after "licences," in paragraph 1.

99. The Act is amended by inserting the following section after section 23:

"**23.1.** The board may, to ensure the protection of the public and achieve its mission, take any measures to encourage permit holders to comply with the laws under its administration and assume their responsibilities concerning, in particular, the responsible consumption of alcoholic beverages."

100. Section 25 of the Act is amended by inserting "options, approvals," after "licences," in subparagraph 1 of the first paragraph.

101. Section 29 of the Act is amended

(1) in subparagraph 2 of the first paragraph,

(*a*) by replacing "reunion permits" by "event permits";

(*b*) by replacing "raw materials and equipment wholesaler's or retailer's permits" by "winemaking and brewing centre permits";

(2) by replacing "fifth" in subparagraph 3 of the first paragraph by "fourth";

(3) by inserting "or section 34.2 of the Act respecting the Société des alcools du Québec" after "Act respecting liquor permits" in the second and third paragraphs;

(4) by replacing all occurrences of "an administrative monetary penalty" by "a monetary administrative penalty".

102. Section 32.1 of the Act is amended by inserting "option, approval," after "licence," in the first paragraph.

103. Section 32.1.1 of the Act is replaced by the following section:

"**32.1.1.** For the purposes of section 32.1, the board may grant a shorter period of time before the hearing

(1) in urgent circumstances and where continuation of the activities concerned could endanger human life or health or cause serious or irreparable damage to property;

(2) where the holder of a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13) has made alcoholic beverages in contravention of that Act or the regulations or has sold alcoholic beverages to a person who holds a permit but is not authorized to sell them.

In addition, the board may use any means other than the one provided for in section 32.1 to inform the person concerned of the reasons for the summons and of the possible consequences provided for by law. In such a case, a copy of the notice of hearing and of the relevant documents on which it is based must be produced before or at the hearing."

104. Section 39 of the Act is amended by inserting ", option, approval" after "permit" in the second paragraph.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

105. Section 24.1 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended, in the second paragraph,

(1) by striking out ", provided that a numbered sticker issued by the board is affixed by the permit holder to each container, in numerical order, at the time of sale" at the end of subparagraph 2;

(2) by striking out ", provided that a numbered sticker issued by the board is affixed by the permit holder to each original container, in numerical order" at the end of subparagraph 3.

106. Section 24.2 of the Act is amended

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

"He may also sell the alcoholic beverages he makes to the holder of an event permit issued under the Act respecting liquor permits.";

(2) by inserting ", subject to the third paragraph," after "or" in the fourth paragraph.

107. Section 26 of the Act is amended

(1) by striking out "also" in the second paragraph;

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

"He may also sell the alcohol and spirits he makes at the place where they are produced for consumption elsewhere provided they were purchased from the Société. However, he may not sell them to the holder of a permit issued under the Act respecting liquor permits (chapter P-9.1).

The holder of a distiller's permit may also sell the alcohol he makes to a user if the following conditions are met:

(1) the alcohol is intended for making products other than alcoholic beverages that can be used as a beverage for a person;

(2) the products are not the subject of a notice by the board under section 102 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);

(3) he enters the sale in his register.";

(3) by adding the following sentence at the end of the third paragraph: "Nor may such a holder hold a small-scale production permit authorizing him to make alcoholic beverages requiring the same raw materials, with the exception of cider and other apple-based alcoholic beverages."

108. Section 27 of the Act is amended by adding the following paragraph at the end:

"The holder of a wine maker's permit may not hold a small-scale production permit authorizing him to make alcoholic beverages requiring the same raw materials."

109. Section 28 of the Act is amended by replacing "cider maker's" in the second paragraph by "distiller's".

110. The Act is amended by inserting the following section after section 28:

"**28.1.** The holder of a permit issued under this Act may, with the board's authorization and in the cases and on the conditions prescribed by regulation, participate in a tasting show or an exhibition held, in whole or in part, to present or discover alcoholic beverages.

During such an event, the holder is authorized, according to the modalities prescribed by regulation, to sell for consumption on the premises, at the tasting show or exhibition, the alcoholic beverages he makes."

111. Section 29.1 of the Act is repealed.

112. Section 33 of the Act is amended by adding the following paragraph at the end:

"In addition, in accordance with section 100 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1), the holder of a distiller's permit shall keep up to date the annual register provided for in that section."

113. Section 33.1 of the Act is amended

(1) by replacing ", the quantity sold and the numbers of the stickers affixed to the containers of the alcoholic beverages sold" in the second paragraph by "and the quantity sold";

(2) by replacing ", the brand of the products, the numbers of the stickers affixed to the containers and the date on which they were affixed" in the third paragraph by "and the brand of the products".

114. Section 33.2 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "59," after "sections";

(*b*) by replacing the second sentence by the following sentence: "However, holders of a small-scale production permit, small-scale beer producer's permit, brewer's permit or distiller's permit are subject to section 60.0.1 of that Act in the case of the sale of alcoholic beverages for consumption elsewhere than at the place where they are produced.";

(2) by replacing "paragraphs 4 and" in the second paragraph by "paragraph".

115. The Act is amended by inserting the following sections after section 34.1:

"**34.2.** The board may impose a monetary administrative penalty in an amount prescribed by regulation if the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114 of the Act respecting liquor permits (chapter P-9.1).

"**34.3.** If a monetary administrative penalty is imposed on a holder for a failure to comply under section 34.2, the board notifies a notice of claim to the holder.

Such a notice must state

(1) the amount claimed and the reasons for it;

(2) the terms of payment of the amount claimed;

(3) the way the notice of claim may be contested;

(4) that the holder will be convened to a hearing before the board if the holder fails to pay the amount owed and that this failure could result in the cancellation of his permit."

116. Section 35 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 4 by the following subparagraph:

"(4) the permit holder contravenes a provision of this section or a regulation made under it;";

(2) by inserting the following subparagraph after subparagraph 6:

"(7) the permit holder is guilty of a failure to comply referred to in the regulation made under paragraph 12 of section 114 of the Act respecting liquor permits (chapter P-9.1) other than one for which a monetary administrative penalty is prescribed by that regulation;".

117. The Act is amended by inserting the following sections after section 35:

"**35.0.1.** The board may, instead of cancelling or suspending a permit for a failure to comply referred to in subparagraph 7 of the first paragraph of section 35, impose on the permit holder a monetary administrative penalty in an amount not exceeding $100,000.

"**35.0.2.** The board must revoke or suspend a permit if the holder fails to pay the monetary administrative penalty after it is imposed on the holder in accordance with section 34.2 and for which the time limit for contesting has expired."

118. The Act is amended by inserting the following sections after section 35.2:

"**35.2.1.** Where a permit holder has made alcoholic beverages in contravention of this Act or the regulations or has sold alcoholic beverages to a person who holds a permit but is not authorized to sell them, the board may

(1) order the permit holder to immediately cease making and selling the alcoholic beverages;

(2) order the recall of the alcoholic beverages to the permit holder's establishment, or order the permit holder to keep the alcoholic beverages if they are already there or to dispose of them at the permit holder's expense within the time determined by the board;

(3) order the destruction of the alcoholic beverages at the permit holder's expense;

(4) order that the alcoholic beverages be turned over to the Société for disposal in the manner provided for in section 42 or 42.1.

Where the board makes an order in accordance with the first paragraph, the order is published on its website.

In addition, the permit holder shall promptly notify any holder of a permit issued under this Act or the Act respecting liquor permits (chapter P-9.1) to whom he sold the alcoholic beverages subject to the order of the nature of the order.

"**35.2.2.** Where alcoholic beverages are the subject of an order made in accordance with section 35.2.1, the board or, at its request, a member of a police force authorized under section 34 or a member of the Sûreté du Québec may put under seal the alcoholic beverages subject to the order that are then in the possession of the permit holder."

119. Section 36 of the Act is amended by inserting "who was imposed a monetary administrative penalty or" after "person".

120. Section 37 of the Act is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

"(8.1) determining the cases in which and conditions on which the holder of a permit issued under this Act may participate in a tasting show or an exhibition held, in whole or in part, to present or discover alcoholic beverages, and the modalities of sale of the alcoholic beverages he makes during such an event;".

ACT RESPECTING THE QUÉBEC SALES TAX

121. Sections 485.1 and 485.2 of the Act respecting the Québec sales tax (chapter T-0.1) are repealed.

122. Section 677 of the Act is amended by striking out subparagraph 22 of the first paragraph.

REGULATION RESPECTING THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE AGENCE DU REVENU DU QUÉBEC

123. Section 13 of the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec (chapter A-7.003, r. 1) is amended by striking out paragraph 3.

REGULATION RESPECTING LIQUOR PERMITS

124. Section 15.1 of the Regulation respecting liquor permits (chapter P-9.1, r. 5) is amended by inserting "or a holder of a small-scale beer producer's permit issued under the Act respecting the Société des alcools du Québec (chapter S-13)" after "grocery permit".

REGULATION RESPECTING PROMOTION, ADVERTISING AND EDUCATIONAL PROGRAMS RELATING TO ALCOHOLIC BEVERAGES

125. Section 12 of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (chapter P-9.1, r. 6) is amended by replacing "a small-scale production permit" in subparagraph 1 of the first paragraph by "a small-scale production permit or a distiller's permit".

REGULATION RESPECTING THE PRESCRIBED MANNER OF IDENTIFYING A BEER CONTAINER

126. The Regulation respecting the prescribed manner of identifying a beer container (chapter T-0.1, r. 1) is repealed.

REGULATION RESPECTING THE QUÉBEC SALES TAX

127. Sections 677R1 to 677R9.3 of the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2), and the heading "IDENTIFICATION OF CERTAIN BEVERAGE CONTAINERS" and subheading "DEFINITIONS" preceding section 677R1, are repealed.

OTHER AMENDING PROVISIONS

128. In any regulation made under the Act respecting liquor permits (chapter P-9.1), "administrative monetary penalty" is replaced by "monetary administrative penalty", with the necessary grammatical adjustments.

129. In any Act and any statutory instrument under such an Act, "reunion permit" is replaced by "event permit", with the necessary grammatical adjustments.

TRANSITIONAL AND FINAL PROVISIONS

130. A person who, on the date of coming into force of section 2, is the holder of a restaurant service permit is deemed to be the holder of a restaurant permit with a "service" option.

131. A person who, on the date of coming into force of section 2, is the holder of a restaurant sales permit is deemed to be the holder of a restaurant permit.

132. A person who, on the date of coming into force of section 2, is the holder of a bar permit allowing the sale of alcoholic beverages solely by means of minibars or vending machines or at the front desk of a tourist accommodation establishment is deemed to be the holder of an accessory permit.

133. A person who, on the date of coming into force of section 2, is the holder of a permit indicating that it may be used in a theatre or amphitheatre, at a race track or in a sports centre or hunting or fishing lodge is deemed to be the holder of an accessory permit.

134. A person who, on the date of coming into force of section 2, is the holder of a permit used in a means of public transportation is deemed to be the holder of a delivery permit.

135. A person who, on the date of coming into force of section 2, is the holder of a club permit, "Man and his World" permit or "Olympic Grounds" permit is deemed to be the holder of an accessory permit.

136. A person who, on the date of coming into force of section 2, is the holder of a raw material and equipment wholesaler's permit or raw material and equipment retailer's permit is deemed to be the holder of a winemaking and brewing centre permit.

137. In the year following the date of coming into force of section 2, the Régie des alcools, des courses et des jeux must replace the permits in force, other than event permits, according to the classes of permits provided for in the Act respecting liquor permits (chapter P-9.1), including the options that may be attached to the permits, as amended by section 2, and according to what the permits authorize and the requirements for using them.

138. Until the coming into force of section 2, the first paragraph of section 31 of the Act respecting liquor permits is to be read as follows:

"A grocery permit entitles the holder to sell beer except draught beer, cider, and the wines and alcoholic beverages determined by regulation under paragraph 7 of section 37 of the Act respecting the Société des alcools du Québec (chapter S-13), except alcohol, spirits, and beer blends containing more than 7% alcohol by volume, for consumption at a place other than the establishment and its dependencies."

139. Any regulation in force on the date of coming into force of paragraph 1 of section 56 and made by the Régie des alcools, des courses et des jeux in plenary session under section 114 of the Act respecting liquor permits, as it read before being amended by paragraph 1 of section 56 of this Act, is deemed to have been made by the Government and applies as long as it is not replaced or revoked.

140. Permit applications being processed on the date of coming into force of section 2 are continued and decided in accordance with the provisions of the Act respecting liquor permits, as amended by section 2.

141. A failure by a permit holder to comply with a provision of the Act respecting liquor permits, the Act respecting offences relating to alcoholic beverages (chapter I-8.1), the Act respecting the Société des alcools du Québec (chapter S-13) or a regulation made under them before the coming into force of a provision of this Act that amends, replaces or repeals that provision is governed by that provision as it read before being amended, replaced or repealed by this Act.

142. A holder of a wine maker's permit or distiller's permit issued under the Act respecting the Société des alcools du Québec who, on 12 June 2018, also holds a small-scale production permit authorizing the holder to make alcoholic beverages requiring the same raw materials must, before 12 June 2019, dispose of one of the two permits or cease making the alcoholic beverages covered by the prohibition under, as applicable, the second sentence of the fifth paragraph of section 26 or the third paragraph of section 27 of that Act, as enacted respectively by paragraph 3 of section 107 and section 108, and notify the Régie des alcools, des courses et des jeux before that date.

The Régie must send a notice to the permit holder notifying the holder that his or her permits will be cancelled by operation of law on 12 June 2019 if the holder has not, before that date, applied for the cancellation of one of the two permits or ceased making the alcoholic beverages referred to in the first paragraph.

The holder may, until 12 June 2021, sell alcoholic beverages the holder is no longer authorized to make under the second sentence of the fifth paragraph of section 26 and the third paragraph of section 27 of the Act respecting the Société des alcools du Québec, as enacted respectively by paragraph 3 of section 107 and section 108, and which he or she has in stock. The rules applicable either to the cancelled permit or to the permit relating to alcoholic beverages he or she has ceased making apply to the sale of such alcoholic beverages.

143. Section 84.0.1 of the Act respecting offences relating to alcoholic beverages, as enacted by section 63, is repealed on 12 June 2020.

144. The provisions of this Act come into force on the date or dates to be set by the Government, except

(1) paragraph 1 of section 18, section 19, section 34 to the extent that it enacts section 77.4 of the Act respecting liquor permits, sections 49 and 60, paragraph 1 of section 70, paragraph 3 of section 93, sections 103 and 106, paragraphs 1, 2 to the extent that it enacts the third paragraph of section 26 of the Act respecting the Société des alcools du Québec and 3 of section 107, and sections 108, 109, 114, 116, 118, 124, 125, 138, 142 and 143, which come into force on 12 June 2018;

(2) section 10, paragraph 2 of section 18, sections 21, 22, 25, 33 and 39, subparagraph *c* of paragraph 2 of section 46, paragraph 7 of section 56, section 63, paragraph 2 of section 64, section 65, paragraph 4 of section 70, sections 74 to 84, 86 and 87, paragraph 3 of section 89 to the extent that it strikes out subparagraph 1.3 of the first paragraph of section 108 of the Act respecting offences relating to alcoholic beverages, paragraph 4 of section 90, paragraphs 1 and 2 of section 92, paragraph 1 of section 93, section 99, paragraph 2 of section 107 to the extent that it enacts the fourth paragraph of section 26 of the Act respecting the Société des alcools du Québec, and sections 112 and 141, which come into force on 1 July 2018; and

(3) sections 61 and 62, paragraph 3 of section 89 to the extent that it strikes out subparagraph 2 of the first paragraph of section 108 of the Act respecting offences relating to alcoholic beverages, paragraph 2 of section 93, and sections 105, 111, 113, 121 to 123, 126 and 127, which come into force on 12 June 2020.

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 176
(2018, chapter 21)

An Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance

Introduced 20 March 2018
Passed in principle 31 May 2018
Passed 12 June 2018
Assented to 12 June 2018

Québec Official Publisher
2018

EXPLANATORY NOTES

This Act proposes certain amendments to the Act respecting labour standards. More particularly, it increases the number of weeks of absence authorized for certain events associated with parental responsibilities. It clarifies the definition of "relative" by broadening it and provides that certain days of absence may also be taken for the benefit of persons, other than relatives, for whom an employee acts as a caregiver. In addition, it provides that certain days of absence are to be remunerated.

The Act specifies that conduct, verbal comments, actions or gestures of a sexual nature may be a form of psychological harassment.

The Act requires personnel placement agencies and recruitment agencies for temporary foreign workers to hold a licence and provides for the implementation of regulations concerning such agencies. Enterprises that retain the services of such an agency that does not hold a licence will be liable to a penal sanction. In addition, personnel placement agencies and the client enterprises that retain their services will from now on be solidarily liable to an employee for the pecuniary obligations fixed by the Act respecting labour standards.

Different wage rates based solely on employees' employment status are prohibited, as is, in relation to pension plans or other employee benefits, differential treatment based solely on the employees' hiring date.

The number of overtime hours that an employee is required to accept is reduced to two, an employee may refuse to work if he has not been informed of his work schedule far enough in advance, and, under certain conditions, working hours may be staggered.

Lastly, athletes whose membership in a sports team is conditional on their continued participation in an academic program are excluded from the scope of the Act respecting labour standards.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting labour standards (chapter N-1.1);

– Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);

– Act to establish the Administrative Labour Tribunal (chapter T-15.1).

Bill 176

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS AND OTHER LEGISLATIVE PROVISIONS MAINLY TO FACILITATE FAMILY-WORK BALANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LABOUR STANDARDS

1. Section 3 of the Act respecting labour standards (chapter N-1.1) is amended

(1) by replacing "sections 79.7 to 79.16," in paragraph 3 by "section 79.6.1, the first four paragraphs of section 79.7, sections 79.8 to 79.15, the first paragraph of section 79.16,";

(2) by inserting the following paragraph after paragraph 5:

"(5.1) to an athlete whose membership in a sports team is conditional on his continued participation in an academic program; or";

(3) by replacing "sections 79.7 to 79.16," in paragraph 6 by "section 79.6.1, the first four paragraphs of section 79.7, sections 79.8 to 79.15, the first paragraph of section 79.16,".

2. Section 28.1 of the Act is amended by replacing "under Divisions II to III" in the first paragraph by "under Division VIII.2 of Chapter IV and Divisions I.1 to III".

3. Section 39 of the Act is amended by adding the following paragraph at the end:

"(17) enter into an agreement, in accordance with the applicable legislative provisions, with a government department or body, with another government or an international organization, or with a body of such a government or organization, for the application of this Act and the regulations."

4. Section 41.1 of the Act is amended

(1) by replacing "to other" and "for the sole reason that the employee usually works less" in the first paragraph by "to his other" and "solely because of the employee's employment status, and in particular because the employee usually works fewer", respectively;

(2) by striking out the second paragraph.

5. The Act is amended by inserting the following section after section 41.1:

"**41.2.** No personnel placement agency may remunerate an employee at a lower rate of wage than that granted to the employees of the client enterprise who perform the same tasks in the same establishment solely because of the employee's employment status, and in particular because the employee is remunerated by such an agency or usually works fewer hours each week."

6. Section 42 of the Act is amended by replacing everything after "sealed envelope" in the first paragraph by ", by cheque or by bank transfer."

7. Section 50 of the Act is amended by replacing "80, 81, 81.1 and 83" in the fourth paragraph by "79.7, 79.16, 80, 81, 81.1, 83 and 84.0.13".

8. Section 53 of the Act is amended

(1) by replacing "the norm provided in the Act" in the first paragraph by "the standard provided for in the law";

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

"The employer and the employee may also agree, on the same conditions, on the staggering of working hours on a basis other than a weekly basis, without the authorization provided for in the first paragraph being necessary. In such a case, the following conditions also apply:

(1) the agreement must be evidenced in writing and provide for the staggering of working hours over a maximum period of four weeks;

(2) a work week may not exceed the standard provided for in the law or the regulations by more than 10 hours; and

(3) either the employee or the employer may resiliate the agreement with notice of at least two weeks before the expected end of the staggering period agreed upon."

9. Section 59.0.1 of the Act is amended, in the first paragraph,

(1) by replacing "four" in subparagraph 1 by "two";

(2) by adding the following subparagraph after subparagraph 2:

"(3) if he was not informed at least five days in advance that he would be required to work, unless the nature of his duties requires him to remain available, he is a farm worker, or his services are required within the limits set out in subparagraph 1."

10. Section 64 of the Act is amended by inserting "or if such a holiday does not coincide with the employee's regular work schedule" after "section 60".

11. Section 69 of the Act is amended

(1) by replacing "five" by "three";

(2) by replacing "employer," by "employer".

12. Section 70 of the Act is amended by replacing "owing to sickness, an organ or tissue donation for transplant, an accident or a criminal offence" in the third paragraph by "for any of the reasons set out in section 79.1".

13. Section 74 of the Act is amended by replacing "owing to sickness, an organ or tissue donation for transplant or an accident under the first paragraph of section 79.1," in the second paragraph by "for any of the reasons listed in the first paragraph of section 79.1".

14. Section 74.1 of the Act is amended

(1) by replacing "to other" by "to his other";

(2) by replacing "for the sole reason that the employee usually works less" by "solely because of the employee's employment status, and in particular because the employee usually works fewer".

15. Section 75 of the Act is amended

(1) by inserting "or in the manner applicable for the regular payment of his wages" at the end of the first paragraph;

(2) by replacing "in the case of a farm worker hired on a daily basis" in the second paragraph by "where it is warranted by the seasonal or otherwise intermittent activities of an employer".

16. The heading of Division V.0.1 before section 79.1 of the Act is replaced by the following heading:

"ABSENCES OWING TO SICKNESS, AN ORGAN OR TISSUE DONATION, AN ACCIDENT, DOMESTIC VIOLENCE, SEXUAL VIOLENCE OR A CRIMINAL OFFENCE".

17. Section 79.1 of the Act is amended by replacing "or an accident" in the first paragraph by ", an accident, domestic violence or sexual violence of which the employee has been a victim".

18. Section 79.2 of the Act is amended by replacing "An employee must be credited with three months of uninterrupted service to take advantage of section 79.1, and the absence shall be without pay. In addition, the employee must" in the first paragraph by "An employee must".

19. Section 79.4 of the Act is amended by replacing the second paragraph by the following paragraph:

"Nothing in the first paragraph shall prevent an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of any of the events mentioned in section 79.1 or the repetitive nature of the absences constitute good and sufficient cause."

20. The Act is amended by inserting the following section before section 79.7:

"**79.6.1.** For the purposes of sections 79.7 to 79.8.1, "relative" means, in addition to the employee's spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee's spouse as well as those persons' spouses, their children and their children's spouses.

The following are also considered to be an employee's relative for the purposes of those sections:

(1) a person having acted, or acting, as a foster family for the employee or the employee's spouse;

(2) a child for whom the employee or the employee's spouse has acted, or is acting, as a foster family;

(3) a tutor or curator of the employee or the employee's spouse or a person under the tutorship or curatorship of the employee or the employee's spouse;

(4) an incapable person having designated the employee or the employee's spouse as mandatary; and

(5) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health."

21. Section 79.7 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out ", without pay,";

(*b*) by replacing "of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents" by "of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)";

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

"If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.";

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

"The first two days taken annually shall be remunerated according to the calculation formula described in section 62, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with three months of uninterrupted service, even if he was absent previously."

22. Section 79.8 of the Act is amended by replacing the first paragraph by the following paragraph:

"An employee may be absent from work for a period of not more than 16 weeks over a period of 12 months where he must stay with a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months."

23. The Act is amended by inserting the following section after section 79.8:

"**79.8.1.** An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where he must stay with a relative, other than his minor child, or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious and potentially mortal illness, attested by a medical certificate."

24. Section 79.10 of the Act is amended by replacing "52" by "104".

25. The Act is amended by inserting the following section after section 79.10:

"**79.10.1.** An employee may be absent from work for a period of not more than 104 weeks by reason of the death of the employee's minor child."

26. Section 79.11 of the Act is amended

(1) by replacing "52" by "104";

(2) by replacing "or child" by ", father, mother or child of full age".

27. Section 79.12 of the Act is amended by inserting "of full age" after "child".

28. Section 79.13 of the Act is amended

(1) by replacing "79.9 to 79.12" in the first paragraph by "79.9, 79.10, 79.11 and 79.12";

(2) by striking out ", if that person is the spouse or a child of full age," in the second paragraph.

29. Section 79.15 of the Act is amended

(1) by striking out "52 or" in the first paragraph;

(2) in the second paragraph,

(*a*) by striking out "52 or";

(*b*) by replacing "it is the longer period that applies," by "the maximum period of absence for those two events may not exceed 104 weeks".

30. Section 79.16 of the Act is amended by adding the following paragraph at the end:

"The right provided for in the fifth paragraph of section 79.7 applies in the same manner to absences authorized under section 79.1. However, the employer is not required to pay remuneration for more than two days of absence during the same year, when the employee is absent from work for any of the reasons set out in those sections."

31. Section 80 of the Act is amended

(1) by replacing "one day" by "two days";

(2) by replacing "four" by "three".

32. Section 81.1 of the Act is amended by striking out "if the employee is credited with 60 days of uninterrupted service" in the first paragraph.

33. Section 81.18 of the Act is amended by adding the following sentence at the end of the first paragraph: "For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature."

34. Section 81.19 of the Act is amended by adding the following sentence at the end of the second paragraph: "They must, in particular, adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature."

35. Section 87.1 of the Act is amended by adding the following paragraph at the end:

"Any distinction made solely on the basis of a hiring date, in relation to pension plans or other employee benefits, that affects employees performing the same tasks in the same establishment is also prohibited."

36. Section 89 of the Act is amended by inserting ", domestic violence, sexual violence" after "an accident" in paragraph 6.

37. The Act is amended by inserting the following division before Division IX:

"**DIVISION VIII.2**

"PERSONNEL PLACEMENT AND TEMPORARY FOREIGN WORKERS

"§1. — *Placement agencies and recruitment agencies*

"**92.5.** No one may operate a personnel placement agency or a recruitment agency for temporary foreign workers unless they hold a licence issued by the Commission, in accordance with a regulation of the Government.

"**92.6.** No client enterprise may retain the services of a personnel placement agency or a recruitment agency for temporary foreign workers that does not hold a licence issued by the Commission, in accordance with a regulation of the Government.

The Commission shall make available to the public a list of holders of such licences that it draws up and keeps up to date.

"**92.7.** The Government may, by regulation,

(1) define, for the purposes of this Act, what constitutes a personnel placement agency, a recruitment agency for temporary foreign workers, a client enterprise and a temporary foreign worker;

(2) establish categories of licences and determine, for each category, the activities that may be carried on by an agency;

(3) determine the period of validity of a licence and specify any condition, restriction or prohibition relating to its issue, maintenance and renewal;

(4) prescribe the administrative measures that apply to a licence holder if the obligations under this Act or the regulations are not complied with;

(5) determine the obligations of a personnel placement agency or a recruitment agency for temporary foreign workers and those of a client enterprise that retains the services of such an agency; and

(6) prescribe any other measure to protect the rights of employees to whom this division applies.

"**92.8.** An agency whose licence application is denied, whose licence is suspended, revoked or not renewed or on which an administrative measure is imposed under paragraph 4 of section 92.7 may contest the Commission's decision before the Administrative Labour Tribunal within 30 days of notification of the decision.

"§2. — *Obligations of a temporary foreign worker's employer*

"**92.9.** An employer who hires a temporary foreign worker must, without delay, inform the Commission of the worker's date of arrival, of the term of his contract and, if his departure date does not coincide with the end of the contract, of his departure date and the reasons for his departure.

The employer must in addition record that information in the registration system or register kept by the employer in accordance with the regulation made under section 29.

"**92.10.** If, following an inquiry, the Commission has grounds to believe that one of the rights of a temporary foreign worker under this Act or a regulation has been violated, the Commission may, even if no complaint is filed and if no settlement is reached, exercise any recourse on behalf of the worker.

"**92.11.** No employer may require a temporary foreign worker to entrust custody of personal documents or property to the employer.

"**92.12.** No employer may charge a temporary foreign worker fees related to his recruitment, other than fees authorized under a Canadian government program."

38. Section 95 of the Act is amended

(1) by replacing "responsible jointly and severally" by "solidarily liable";

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

"A personnel placement agency and a client enterprise that, within the framework of a contract with the agency, uses an employee's services are solidarily liable for the pecuniary obligations fixed by this Act or the regulations."

39. The Act is amended by inserting the following division after section 121:

"**DIVISION I.1**

"RECOURSE AGAINST CERTAIN DIFFERENCES IN TREATMENT

"**121.1.** An employee who believes he has been the victim of a distinction referred to in the third paragraph of section 87.1 may file a complaint in writing with the Commission. Such a complaint must be filed within 12 months of the distinction becoming known to the employee. It may also be filed, on behalf of an employee who consents to it in writing, by a non-profit organization dedicated to the defence of employees' rights.

If the complaint is filed within that time with the Administrative Labour Tribunal, failure to file the complaint with the Commission cannot be invoked against the complainant.

"**121.2.** If an employee is subject to a collective agreement or a decree, the complainant must then prove to the Commission that he has not exercised his recourses arising out of that agreement or decree, or that, having exercised them, he discontinued proceedings before a final decision was rendered.

"**121.3.** On receipt of a complaint, the Commission shall make an inquiry with due dispatch.

Sections 103 to 110 and 123.3 apply to the inquiry, with the necessary modifications.

"**121.4.** If the Commission refuses to take action following a complaint, the employee or, if applicable, the organization, with the employee's written consent, may, within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Administrative Labour Tribunal.

"**121.5.** At the end of the inquiry, if no settlement is reached between the parties and the Commission agrees to pursue the complaint, it shall refer the complaint without delay to the Administrative Labour Tribunal.

"**121.6.** The Commission may represent an employee in a proceeding under this division before the Administrative Labour Tribunal.

"**121.7.** The provisions of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.

"**121.8.** If the Administrative Labour Tribunal considers that the employee has been the victim of a prohibited distinction, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including

(1) order that the distinction no longer be made;

(2) order that an employee be made a member of a pension plan, or make other employee benefits applicable to the employee; and

(3) order the employer to pay the employee an indemnity for the loss resulting from the distinction."

40. Section 122 of the Act is amended by replacing "of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents" in subparagraph 6 of the first paragraph by "of a relative within the meaning of section 79.6.1 or a person for whom the employee acts as a caregiver".

41. Section 123.6 of the Act is amended by adding the following paragraph at the end:

"With the employee's consent, the Commission shall send to the Commission des droits de la personne et des droits de la jeunesse, under the terms of an agreement entered into by those organizations and approved by the Minister, any complaint that concerns discriminatory behaviour filed in accordance with this division. The agreement must also stipulate cooperative arrangements between those two organizations, in particular to ensure any delay in sending the complaint is not prejudicial to the employee."

42. Section 123.7 of the Act is amended by replacing "90 days" by "two years".

43. Section 123.8 of the Act is amended by inserting "and 123.3" after "103 to 110" in the second paragraph.

44. Section 123.10 of the Act is amended by adding the following paragraph at the end:

"The third paragraph of section 123.3 applies to the mediation provided for in the first paragraph."

45. Section 123.15 of the Act is amended by inserting "the discriminatory nature of the behaviour, such as" after ", including" in the introductory clause.

46. Section 140 of the Act is amended by replacing "Every employer" in the introductory clause by "Every person".

47. The Act is amended by inserting the following section after section 140:

"**140.1.** Every person who contravenes section 92.5 or 92.6 is guilty of an offence and is liable to a fine of $600 to $6,000 and, for any subsequent conviction, to a fine of $1,200 to $12,000."

48. Section 141 of the Act is amended by replacing "139 and 140" by "139 to 140.1".

49. Section 142 of the Act is replaced by the following section:

"**142.** If a legal person or a representative, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or its regulations, the directors or officers of the legal person, partnership or association without legal personality are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership."

50. The Act is amended by inserting the following section after section 169:

"**169.1** The Minister shall, every seven years, report to the Government on the carrying out of this Act.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly shall examine the report."

AMENDING PROVISIONS

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

51. Section 62 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by inserting "according to sections 81.18 to 81.20 of the Act respecting labour standards (chapter N-1.1)," after "harassment," in the first paragraph.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

52. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting "92.8, 121.5," after "86.1," in paragraph 16.

TRANSITIONAL AND FINAL PROVISIONS

53. The third paragraph of section 87.1 of the Act respecting labour standards (chapter N-1.1), as enacted by section 35, does not apply to a distinction made solely on the basis of a hiring date and existing on 11 June 2018.

54. A personnel placement agency or a recruitment agency for temporary foreign workers that is carrying on its activities on the date of coming into force of section 92.5 of the Act respecting labour standards, as enacted by section 37, and that applies for a licence within 45 days of that date, may continue to carry on its activities without holding a licence under that section 92.5 until the Commission des normes, de l'équité, de la santé et de la sécurité du travail renders a decision on the application.

55. This Act comes into force on 12 June 2018, except

(1) sections 4, 7, 9, 11, 14 and 18, subparagraph *a* of paragraph 1 and paragraphs 2 and 3 of section 21, sections 30 to 32 and section 34, which come into force on 1 January 2019; and

(2) section 2, except as concerns the reference to Division I.1 of Chapter V of the Act respecting labour standards, sections 5 and 37, insofar as it concerns sections 92.5, 92.6 and 92.8 to 92.12 of the Act respecting labour standards, and sections 38, 47, 48 and 52, insofar as it concerns the reference to section 92.8 of that Act, which come into force on the date of coming into force of the first regulation made under section 92.7 of the Act respecting labour standards.

Regulations and other Acts

M.O., 2018

Order number AM 2018-006 of the Minister of Forests, Wildlife and Parks dated 19 July 2018

Sustainable Forest Development Act
(chapter A-18.1)

CONCERNING the Regulation respecting forestry permits

THE MINISTER OF FORESTS, WILDLIFE AND PARKS,

CONSIDERING paragraphs 1, 4 and 6 of section 87 of the Sustainable Forest Development Act (chapter A-18.1), which provide that the Minister may, by regulation, according to the categories of forestry permit, determine the content of a permit, the conditions for its issue and the cases in and conditions under which it may be transferred, set the dues to be paid by a given permit holder and the terms of payment, determine the provisions of a regulation the violation of which is an offence and specify, from among the fines prescribed in section 244, the one to which an offender is liable for a given offence;

CONSIDERING paragraphs 2 and 2.1 of section 87 of the Act, which provide that the Minister may, by regulation, according to the categories of forestry permit, determine, for permits other than a sugar bush management permit, the conditions for the modification or renewal of the permit and define the conditions of the permit that may be revised while it is in effect and at the time of its renewal;

CONSIDERING paragraph 3 of section 87 of the Act, which provides that the Minister may, by regulation, determine standards for tapping maple trees or otherwise managing a sugar bush;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting forestry permits was published in Part 2 of the *Gazette officielle du Québec* of 28 February 2018 with a notice that it could be made by the Minister of Forests, Wildlife and Parks on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation respecting forestry permits, attached hereto, is hereby made.

Québec, on July 19, 2018

LUC BLANCHETTE,
Minister of Forests, Wildlife and Parks

Regulation respecting forestry permits

Sustainable Forest Development Act
(chapter A-18.1, s. 87, pars. 1 to 4 and 6)

CHAPTER I
PROVISIONS RESPECTING THE FORESTRY PERMIT FOR THE HARVEST OF FIREWOOD FOR DOMESTIC OR COMMERCIAL PURPOSES

DIVISION I
CONDITIONS FOR ISSUE

1. The following persons are eligible for the issue of a forestry permit for the harvest of firewood for domestic purposes:

(1) a natural person who is not, during the term of the permit applied for, the holder of another permit for the harvest of firewood for domestic purposes;

(2) a person, a body, an association or an enterprise in charge of the management of an outfitter's operation, a controlled zone or a wildlife reserve within the meaning of Division V.1 of Chapter III and Divisions III and IV of the Sustainable Forest Development Act (chapter C-61.1).

2. An enterprise whose economic activities include the transformation of timber into firewood and its sale is eligible for the issue of a forestry permit for the harvest of firewood for commercial purposes.

3. A permit application must be made to the Minister in writing.

The application contains, as applicable, the following information and documents:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the description of the forest management activity to be carried out, its nature, location, the period planned to carry it out and the volume of timber applied for.

In the case of an application made by a natural person for a forestry permit for the harvest of firewood for domestic purposes, the volume of timber applied for may not be greater than 22.5 apparent cubic metres.

In the case of an application for a forestry permit for the harvest of firewood for commercial purposes, the Minister may require that the assessment of the volume of timber applied for, for each species or group of species and based on quality, be approved by a forest engineer. If the Minister requires it, the volume of timber will have to be scaled in accordance with section 70 of the Sustainable Forest Development Act (chapter A-18.1). In addition, the Minister may require that the applicant provide a sylvicultural prescription approved by a forest engineer.

4. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled, refused at renewal except, in the latter case, for public utility purposes.

DIVISION II
CONTENT OF PERMIT

5. A permit contains at least the following information, as applicable:

(1) in respect of the permit, its number and term;

(2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;

(3) in respect of the description of the authorized forest management activity, its nature, location and the volume of timber that the holder is authorized to harvest, for each species or group of species and based on quality;

(4) the conditions for the authorized forest management activity;

(5) the amount of dues payable where no scaling is required by the Minister in accordance with section 70 of the Act.

DIVISION III
DUES PAYABLE

6. The dues payable by the holder of a forestry permit for the harvest of firewood for domestic purposes are $1.50 per apparent cubic metre for any species or group of species.

7. The dues are adjusted on 1 April of each year based on the percentage variation, in relation to the preceding year, in the Consumer Price Index for Québec, as published by Statistics Canada. For that purpose, the Consumer Price Index for a year is the annual average calculated from the monthly indexes for the 12-month period ending on 31 December of the preceding year.

The results of the adjustment are rounded off to the nearest multiple of $0.05. The adjustment of a fee is postponed to the year in which the total of the adjustment rates applicable to each of the years for which the adjustment is postponed will increase the fee by $0.05.

The Minister is to publish the results of the adjustment in Part 1 of the *Gazette officielle du Québec*, on the website of the timber marketing board or by any other appropriate means.

8. Where no scaling is required by the Minister in accordance with section 70 of the Act, payment of the dues payable is made on the basis of the assessment of volumes submitted by the applicant. The dues are payable upon issuance of the permit and may not be reimbursed.

Where scaling is required, the dues are payable as of the date they are billed or according to the directions appearing on the permit.

DIVISION IV
CONDITIONS FOR MODIFICATION

9. A forestry permit for the harvest of firewood for domestic purposes may be the subject of an application for modification in order to modify the location of the activity, insofar as the volume of timber that the holder is authorized to harvest may not be entirely harvested at the location initially authorized by reason of the depletion of the resource.

10. A forestry permit for the harvest of firewood for commercial purposes may be the subject of an application for modification.

The following conditions may be modified:

(1) the volume of timber that the holder is authorized to harvest, insofar as the application is to increase the volume initially authorized;

(2) the location of the activity, insofar as the volume of timber that the holder is authorized to harvest may not be entirely harvested at the location initially authorized by reason of the depletion of the resource.

11. An application for a permit modification must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

(1) the permit number and the nature of the activity;

(2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(3) a description of the modifications applied for.

In the case of an application for modification made to increase the volume initially authorized, the holder of a forestry permit for the harvest of firewood for commercial purposes must comply with the fourth paragraph of section 3.

12. No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

CHAPTER II
PROVISIONS RESPECTING THE SUGAR BUSH FORESTRY PERMIT

DIVISION I
CONDITIONS FOR ISSUE

13. A person or body that has not, in the 5 years preceding the application, held a sugar bush forestry permit that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes is eligible for the issue of a sugar bush forestry permit.

14. An application for a permit must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) a description of the sugar bush that is the subject of the application, its contour line, shown on a document containing GPS coordinates, its area in hectares and its tapping capacity determined on the basis of a forest inventory approved by a forest engineer and complying with the tapping standards provided for in Division IV of this Chapter;

(3) a description of the existing or future infrastructures related to the operation of the sugar bush, including the roads, buildings and equipment, and their actual or proposed location, shown on a document containing GPS coordinates;

(4) in the case of an application related to a quota allocated by the Fédération des producteurs acéricoles du Québec, proof that the quota was offered and the quantity of tapholes corresponding to the quota;

(5) in respect of the description of each of the forest management activities to be carried out, its nature, location, the area concerned, in hectares, the period planned to carry it out, the proposed destination of the timber harvested and an assessment of the volume of timber to be harvested;

(6) in respect of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

For the purposes of subparagraph 5 of the second paragraph, the Minister may require that the assessment, for each species or group of species and based on quality, be approved by a forest engineer. If the Minister requires it, the volume of timber harvested will have to be scaled in accordance with section 70 of the Act. In addition, for the forest management activity, the Minister may require from the applicant a sylvicultural prescription approved by a forest engineer.

At the request of the Minister, the applicant must send any other document or information concerning the infrastructures that the applicant intends to build or install, as well as a business plan that includes a description of the project and any other document showing that the applicant is able to operate the sugar bush and has the financial resources or the financing necessary for carrying out the business plan.

15. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes.

DIVISION II
CONTENT OF PERMIT

16. The permit contains at least the following information, as applicable:

(1) in respect of the permit, its number and term;

(2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(3) in respect of the description of the sugar bush, its identification number, its area in hectares, its location and the number of tapholes;

(4) in respect of the description of each of the forest management activities authorized, its nature, location, the area concerned, in hectares, a description of the work authorized, the period during which it may be carried out and the volume of timber the holder is authorized to harvest, for each species or group of species and based on quality;

(5) the conditions for the authorized forest management activity;

(6) the amount of dues payable for the volume of timber the holder is authorized to harvest where no scaling is required by the Minister in accordance with section 70 of the Act.

DIVISION III
DUES PAYABLE

17. The dues payable by the permit holder are established annually by multiplying the number of hectares in the sugar bush by the unit rate set in Schedule 1 in relation to the corresponding zone.

The rates set in Schedule 1 are adjusted on 1 January of each year according to the equation in Schedule 2.

The Minister is to publish the results of the adjustment in Part 1 of the *Gazette officielle du Québec*, on the website of the timber marketing board or by any other appropriate means.

18. The dues payable by a permit holder are payable in 2 equal instalments not later than 31 January and 31 July following receipt of the invoice.

19. The permit holder must also pay the other dues payable for the harvesting volumes of timber that is not used for the purposes of the acericultural activities.

Where no scaling is required by the Minister in accordance with section 70 of the Act, payment of the dues payable is made on the basis of the assessment of the volumes submitted by the applicant. The dues are payable upon issuance of the permit and may not be refunded.

Where scaling is required, the dues are payable as of the billing date or according to the directions appearing on the permit.

DIVISION IV
TAPPING STANDARDS AND OTHER WORK REQUIRED

20. Not later than 6 months following the issue of the permit, the outline of the sugar bush determined by the Minister must be delimited by the holder in a visible manner and without damaging the trees. The delimitation must be maintained and remain visible until the permit expires.

21. Only the buildings and equipment used exclusively to harvest or process sap may be constructed or installed.

In addition, their use must not go beyond what is necessary for the harvest or transformation of sap.

When the permit expires, or if it is cancelled, the buildings and the equipment must be removed.

22. The activities to harvest and process must be carried out so as to avoid that any sap is wasted.

23. All worn or unused material must be recovered and disposed of in such a manner as to ensure the sugar bush is kept clean.

24. Maple trees must be tapped in accordance with the following standards:

(1) trees may be tapped once a year only, between 1 January and 30 April;

(2) only maple trees at least 23.1 cm in diameter at 1.30 m above the highest ground level may be tapped;

(3) the maximum number of tapholes in the same maple tree is determined according to the diameter of the tree, in accordance with the following table:

Diameter of maple tree at 1.30 m above the highest ground level	Maximum number of tapholes
Between 23.1 cm and 39 cm	1
39.1 cm and more	2

(4) where 2 or more tapholes are drilled in a maple tree, they must be positioned evenly around the trunk;

(5) the taphole must be drilled using a bit not more than 8 mm in diameter so that the tree is not damaged;

(6) the taphole must not be more than 5 cm deep, including bark thickness;

(7) the tree bark must not be removed or damaged;

(8) only a product registered under the Pest Control Products Act (S.C. 2002, c. 28) may be inserted into a taphole;

(9) all spouts must be removed each year at the latest on 1 June, with care taken not to tear the bark from the tree;

(10) tubing and spouts must be installed, replaced and maintained without damaging the trees.

DIVISION V
ANNUAL REPORT

25. The permit holder must prepare and submit to the Minister an annual report on the activities carried out.

The first part of the report must be submitted not later than 1 June and contain

(1) the number of tapholes drilled during the period determined in paragraph 1 of section 24; and

(2) the quantity of maple syrup produced from the volume of sap harvested during the harvesting season or, if the sap is not processed on the premises, the volume of sap harvested.

The second part of the report must be submitted not later than 31 December and contain

(1) a statement of the forest management activities carried out during the year, since the date of issue of the permit or the date of the last annual report, as the case may be, and the location of the activities; and

(2) the volume of timber harvested in the sugar bush in connection with the carrying on of forest management activities, by species or group of species, quality and destination.

DIVISION VI
CONDITIONS FOR A TRANSFER

26. An application for a permit transfer must be made in writing to the Minister by the person wishing to obtain the permit.

The application contains the following information and documents, as applicable:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the permit to be transferred, its number, the name and contact information of the holder and a description of the sugar bush concerned, including its tapping capacity and its area in hectares;

(3) a sworn statement by the permit holder, whereby he or she renounces all the rights resulting from the permit with a view to its transfer;

(4) where work must be carried out in connection with a transfer, a description of the work, in accordance with subparagraph 5 of the second paragraph of section 14, and the information referred to in subparagraph 6 of that paragraph, as applicable.

Where the permit is linked to a quota allocated by the Fédération des producteurs acéricoles du Québec, the applicant must make sure that the quota is transferred to him or her or must hold another quota at least equal to the quota to which the territory covered by the permit is attached.

27. A permit may be transferred if the following conditions are met:

(1) the permit holder has complied with the conditions attached to the permit and with the Act and its regulations;

(2) the forest management activities and the construction or installation of the infrastructures authorized under the permit are carried out completely;

(3) all buildings and equipment intended for acericultural purposes or located in the territory covered by the permit are removed or transferred;

(4) the applicant has not, in the 5 years preceding the application for transfer, held a permit for the operation of a sugar bush that was cancelled or refused at renewal except, in the latter case, for public utility purposes.

28. The Minister may refuse to transfer the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled or refused at renewal except, in the latter case, for public utility purposes.

CHAPTER III
PROVISIONS RESPECTING THE FORESTRY PERMIT TO HARVEST TIMBER TO SUPPLY A WOOD PROCESSING PLANT AND THE PERMIT TO HARVEST SHRUBS TO SUPPLY A WOOD PROCESSING PLANT

DIVISION I
CONDITIONS FOR ISSUE

29. Holders of a permit to operate a wood processing plant in the class "industries processing shrubs or half-shrubs or branches from shrubs or half-shrubs for the production of substances intended for pharmaceutical use", issued under the Regulation respecting operating permits for wood processing plants (chapter A-18.1, r. 8), are eligible for the issue of a forestry permit to harvest shrubs to supply a wood processing plant, for Canadian yew.

30. Any person or body applying for a forestry permit to harvest timber to supply a wood processing plant, to harvest forest biomass, is eligible for the issue of the permit.

31. An application for the permit must be made in writing to the Minister.

The application contains the following information:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the description of each of the forest management activities to be carried out, its nature, location, the volume of quantity of ligneous matter applied for to supply a wood processing plant, by species or group of species, and the proposed destination of the ligneous matter, if it is known at the time of the application;

(3) in respect of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

32. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled, refused at renewal except, in the latter case, for public utility purposes.

DIVISION II
CONTENT OF PERMIT

33. The permit contains at least the following information, as applicable:

(1) in respect of the permit, its number and term;

(2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;

(3) in respect of the description of the authorized forest management activity, its nature, location and the volume or quantity of ligneous matter that the permit holder is authorized to harvest, for each species or group of species;

(4) the conditions for the authorized forest management activity;

(5) in the case of the permit to harvest timber to supply a wood processing plant, the harvesting terms and conditions, specified on a yearly basis, including operational and planning requirements and the requirements provided for by the environmental management system.

DIVISION III
DUES PAYABLE

34. The dues payable by the holder of a permit to harvest shrubs to supply a wood processing plant, for Canadian yew, are $100.95 per green metric ton harvested.

35. The dues payable by the holder of a permit to harvest timber to supply a wood processing plant, to harvest forest biomass within the meaning of the third paragraph of section 86.2 of the Act, are $0.10 per green metric ton harvested.

36. The dues referred to in sections 34 and 35 are adjusted and published in accordance with section 7 of this Regulation.

37. The dues are payable as of the billing date or according to the directions appearing on the permit.

DIVISION IV
CONDITIONS FOR MODIFICATION

38. A forestry permit issued under this Chapter may be the subject of an application for modification.

The following conditions may be modified:

(1) the location of the forest management activity;

(2) the volume or quantities of ligneous matter that the holder is authorized to harvest;

(3) the species or groups of species that the holder is authorized to harvest;

(4) the conditions for carrying on the authorized forest management activity.

39. An application for a permit modification must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

(1) the permit number and the nature of the activity;

(2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(3) a description of the modifications applied for.

40. No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

DIVISION V
CONDITIONS FOR REVIEW

41. Following the 5-year review or a change in allowable cuts by the chief forester in accordance with subparagraphs 6 and 7 of the first paragraph of section 46 of the Act, the Minister may, having given the permit holder the opportunity to make observations, revise the conditions attached to a forestry permit to harvest timber to supply a wood processing plant or a forestry permit to harvest shrubs to supply a wood processing plant, during the permit's term or at the time of renewal.

The conditions attached to a permit that may be revised by the Minister are those regarding the location of the activity, the volume or quantity of ligneous matter that the holder is authorized to harvest, the species or groups of species that the holder is authorized to harvest and the destination of the timber.

DIVISION VI
CONDITIONS FOR RENEWAL

42. A permit holder is entitled to the renewal of the permit if the following conditions are met:

(1) the permit holder has paid the dues payable for the permit;

(2) the permit holder has complied with the conditions indicated on the permit, the standards applicable to the forest management activities and the provisions of the Act and its regulations;

(3) the allowable cut is sufficient;

(4) in the case of the forestry permit to harvest timber to supply a wood processing plant, the permit holder has harvested at least 50% of the total quantities or volumes indicated in the permit for all its term.

43. The Minister may refuse to renew a permit if the plant or permit holder has ceased activities for at least 6 months.

44. The Minister may add new conditions upon renewal of the permit if the public interest so warrants.

CHAPTER IV
PROVISIONS RESPECTING CERTAIN FORESTRY PERMITS

DIVISION I
SCOPE

45. This Chapter applies to the permits required to carry out the following forest management activities:

(1) activities required for public utility works;

(2) activities carried out by a holder of mining rights in exercising those rights;

(3) activities carried out by the holder of a right referred to in section 15 of the Petroleum Resources Act (chapter H-4.2) in exercising that right;

(4) activities required to create wildlife, recreational or agricultural development projects;

(5) activities carried out as part of an experimental or research project.

DIVISION II
CONDITIONS FOR ISSUE

46. The following persons and bodies are eligible for the issue of a forestry permit:

(1) for activities required for public utility works, a person or body that carries out activities required for public utility works;

(2) for activities carried out by a holder of mining rights in exercising those rights, a holder of mining rights;

(3) for activities carried out by the holder of a right referred to in section 15 of the Petroleum Resources Act (chapter H-4.2) in exercising that right, the holder of such a right;

(4) for activities required to create wildlife, recreational or agricultural development projects:

(a) the holder of a lease for vacation resort purposes or for the construction of a rough shelter, issued under the Act respecting the lands in the domain of the State (chapter T-8.1), to complete the holder's installations;

(b) a person or body otherwise authorized by an Act to create a wildlife, recreational or agricultural development project;

(5) for activities carried out as part of an experimental or research project, a person or body associated with a teaching or research institution, with a public body or department whose main activity is research and development, which has developed such a project.

47. An application for a permit must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

(1) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(2) in respect of the description of each of the forest management activities to be carried out, its nature, location, the area concerned, in hectares, the period planned to carry it out, the proposed destination of the ligneous matter, if known at the time of application, and an assessment of the volume or quantity of ligneous matter to be harvested;

(3) in the case of a forestry permit for activities carried out by a holder of mining rights to exercise those rights, a description of the mining activities within the meaning of the Mining Act (chapter M-13.1) as well as proof of that right;

(4) in the case of a forestry permit for activities carried out by the holder of a right referred to in section 15 of the Petroleum Resources Act (chapter H-4.2) to exercise that right, a description of exploration, production or storage activities within the meaning of the Petroleum Resources Act as well as proof of that right;

(5) in the case of a forestry permit for activities required as part of an experimental or research project, a description of the project for which the activities are required;

(6) in respect of the identity of the person carrying out the work, if not carried out by the applicant, the information listed in subparagraph 1, as applicable, if it is known at the time of the application.

For the purposes of subparagraph 2 of the second paragraph, the Minister may require that the assessment, for each species or group of species and based on quality, be approved by a forest engineer. If the Minister requires it, the volume of timber harvested will have to be scaled in accordance with section 70 of the Act. In addition, for the forest management activity, the Minister may require that the applicant provide a sylvicultural prescription approved by a forest engineer.

48. The Minister may refuse to issue the permit if the applicant has already held a forestry permit issued to carry out a forest management activity listed in section 73 of the Act that was suspended, cancelled, refused at renewal except, in the latter case, for public utility purposes.

DIVISION III
CONTENT OF PERMIT

49. The permit contains at least the following information, as applicable:

(1) in respect of the permit, its number and term;

(2) in respect of the holder, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of its representative;

(3) in respect of the description of each of the authorized forest management activities, its nature, location, the area concerned, in hectares, and the volume or quantity of ligneous matter that the holder is authorized to harvest, for each species or group of species and based on quality;

(4) the conditions for the authorized forest management activity;

(5) the amount of dues payable where no scaling is required by the Minister in accordance with section 70 of the Act.

DIVISION IV
DUES PAYABLE

50. Where no scaling is required by the Minister in accordance with section 70 of the Act, payment of the dues payable is made on the basis of the assessment of the volumes submitted by the applicant. The dues are payable upon issuance of the permit and may not be refunded.

Where scaling is required, the dues are payable as of the billing date or according to the directions appearing on the permit.

However, the Minister may, by reason of special circumstances, enter into an agreement on a payment method different from the method provided for in this section.

DIVISION V
CONDITIONS FOR MODIFICATION

51. A forestry permit issued under this Chapter may be the subject of an application for modification.

The following conditions may be modified:

(1) the location of the authorized forest management activity;

(2) the area concerned;

(3) the volume or quantity of ligneous matter and the species or groups of species that the holder is authorized to harvest, only insofar as the application is to increase the volume or quantity initially authorized;

(4) the planned period to carry out the activity;

(5) the conditions for carrying on the authorized forest management activity.

52. An application for a permit modification must be made in writing to the Minister.

The application contains the following information and documents, as applicable:

(1) the permit number and the nature of the activity;

(2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application;

(3) a description of the modifications applied for.

If the volume or quantity of ligneous matter, or species or groups of species that the holder is authorized to harvest are the subject of an application for modification, an assessment made in accordance with subparagraph 2 of the second paragraph of section 47 must be attached to the application.

53. No modification may be authorized if the dues payable at the time of the application have not been paid by the permit holder.

DIVISION VI
CONDITIONS FOR RENEWAL

54. A forestry permit issued under this Chapter may be the subject of an application for renewal if the permit holder meets the following conditions:

(1) the permit holder has paid the dues payable for the permit;

(2) the permit holder has complied with the conditions indicated on the permit, the standards applicable to the forest management activities and the provisions of the Act and its regulations.

The permit may be renewed only to allow the holder to complete the carrying out of the activities authorized by the permit.

55. An application for renewal of a permit must be made to the Minister in writing.

The application contains the following information, as applicable:

(1) the permit number and the nature of the activity;

(2) in respect of the applicant, in the case of a natural person, the person's name and contact information and, in the other cases, its name, the address of its seat and, if applicable, of its establishment in Québec as well as the name and contact information of the representative holding a mandate to make the application.

56. The Minister may add new conditions upon renewal of the permit if the public interest so warrants.

CHAPTER V
PENAL

57. Any person who contravenes one of the provisions of sections 20 to 23 and paragraphs 1 to 3 and 5 to 10 of section 24 of this Regulation is liable to the fine provided for in paragraph 3 of section 244 of the Act.

CHAPTER VI
TRANSITIONAL AND FINAL

58. Until 31 December 2022, section 24 must be read as follows:

"24. Maple trees must be tapped in accordance with the following standards:

(1) trees may be tapped once a year only, between 1 January and 30 April;

(2) only maple trees at least 19.1 cm in diameter at 1.30 m above the highest ground level may be tapped;

(3) the maximum number of tapholes in the same maple tree is determined according to the diameter of the tree, in accordance with the following table:

Diameter of maple tree at 1.30 m above the highest ground level	Maximum number of tapholes
Between 19.1 cm and 39 cm	1
Between 39.1 cm and 59 cm	2
Between 59.1 cm and 79 cm	3
79.1 cm and more	4

(4) where 2 or more tapholes are drilled in a maple tree, they must be positioned evenly around the trunk;

(5) the taphole must be drilled using a bit not more than 11 mm in diameter so that the tree is not damaged;

(6) the taphole must not be more than 6 cm deep, including bark thickness;

(7) the tree bark must not be removed or damaged;

(8) only a product registered under the Pest Control Products Act (S.C. 2002, c. 28) may be inserted into a taphole;

(9) all spouts must be removed each year at the latest on 1 June, with care taken not to tear the bark from the tree;

(10) tubing and spouts must be installed, replaced and maintained without damaging the trees.".

59. This Regulation replaces the Regulation respecting sugar bush management in forests in the domain of the State (chapter A-18.1, r. 2) and the Regulation respecting forest royalties (chapter A-18.1, r. 11).

60. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 3 of section 45, paragraph 3 of section 46 and subparagraph 4 of the second paragraph of section 47, which come into force on the date of coming into force of section 211 of the Petroleum Resources Act (chapter H-4.2).

SCHEDULE 1
(s. 17)

APPLICABLE UNIT RATES ACCORDING TO ZONES

To establish the dues payable by the holder of a sugar bush management permit, the unit rates are set according to the zone in which the sugar bush is located:

ZONE 1 ($121 per hectare)

1. Administrative region 05 Estrie

2. Administrative region 12 Chaudière-Appalaches, except for the regional county municipalities of de Bellechasse, des Etchemins, de Montmagny and de L'Islet

3. Administrative region 16 Montérégie

4. Administrative region 17 Centre-du-Québec

ZONE 2 ($93 per hectare)

1. The regional county municipalities of de Bellechasse, des Etchemins, de Montmagny and de L'Islet

2. Administrative region 03 La Capitale-Nationale, except for the regional county municipalities of de Charlevoix and de Charlevoix-Est

3. Administrative region 04 Mauricie, except for Municipalité régionale de comté de Mékinac and Municipalité de La Tuque

4. Administrative region 14 Lanaudière, except for Municipalité régionale de comté de Matawinie

5. Administrative region 15 Laurentides, except for Municipalité régionale de comté d'Antoine-Labelle

ZONE 3 ($93 per hectare)

1. Administrative region 01 Bas-Saint-Laurent, except for the regional county municipalities of de La Matanie, de La Matapédia, de La Mitis and de Rimouski-Neigette

2. Municipalité régionale de comté de Mékinac

3. Municipalité régionale de comté de Matawinie

4. Municipalité régionale de comté d'Antoine-Labelle

ZONE 4 ($84 per hectare)

1. The regional county municipalities of de La Matanie, de La Matapédia, de La Mitis and de Rimouski-Neigette

2. Administrative region 07 Outaouais, except for Municipalité régionale de comté de Pontiac

ZONE 5 ($65 per hectare)

1. The regional county municipalities of de Charlevoix and de Charlevoix-Est

2. Municipalité régionale de comté de Pontiac

3. Municipalité régionale de comté d'Avignon

4. Municipalité de La Tuque

ZONE 6 ($65 per hectare)

1. Municipalité régionale de comté de Témiscamingue

2. The regional county municipalities of de Bonaventure and de La Haute-Gaspésie

ZONE 7 ($56 per hectare)

1. Any other territory of Québec not comprised in zones 1 to 6.

The administrative regions are those established by the Government under the *Décret concernant la révision des limites administratives du Québec* (chapter D-11, r. 1).

SCHEDULE 2
(s. 17)

EQUATION FOR THE ADJUSTMENT OF UNIT RATES

The rates set in Schedule 1 are adjusted using the following equation, based on the data contained in the economic record of the Fédération des producteurs acéricoles du Québec (FPAQ):

Adjustment rate = A / A_{t-1}

Where:

A = the average of the results of the 5 years before the year preceding the year of the adjustment, calculated according to the following formula:

$$RP_c \left(1 - \left(\frac{Var_{inv}}{Vol_a}\right)\right)$$

A_{t-1} = the result of A of the preceding year (net average income per taphole).

R = average yield (lbs of syrup / taphole) of the year concerned from the economic record of the FPAQ.

P_c = weighted average price ($ / lb of syrup) of the year concerned and determined by the Maple Syrup Marketing Agreement entered into between the FPAQ and the buyers of a product covered by the Plan conjoint des producteurs acéricoles du Québec.

Var_{inv} = variation of the net inventory of the year concerned from the economic record of the FPAQ, in pounds of syrup.

Vol_a = harvest volume of the year concerned from the economic record of the FPAQ, in pounds of syrup.

103632

Treasury Board

Gouvernement du Québec

T.B. 219766, 17 July 2018

Act respecting the Government and Public Employees Retirement Plan (chapter R-10)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Regulation
— Amendment

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the first paragraph of section 3.0.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), an absence without pay is an absence that is provided for in the employee's conditions of employment and authorized by the employee's employer, for which the employee does not receive pay, and during which the employee would have been expected to perform or could have performed work had it not been for the absence;

WHEREAS under the second paragraph of that section 3.0.1, the Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered an employee;

WHEREAS under subparagraph 0.1.1 of the first paragraph of section 134 of the Act, the Government may, by regulation, determine, for the purposes of section 3.0.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered an employee;

WHEREAS under the first paragraph of section 115.10.7.1 of the Act, if, during years or parts of a year of service completed, a person was an employee of an employer designated in Schedule I or II and was not excluded from the plan under paragraph 4 of section 1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2), the person may be credited, for pension purposes, with such years or parts of a year up to a maximum of 18 years, except the years or parts of a year during which the employee participated in a pension plan. However, the years or parts of a year of service completed prior to the date that is three years before the date of receipt of the application for redemption may be credited up to a maximum of 15 years;

WHEREAS under subparagraph 4.2 of the first paragraph of section 134 of the Act, the Government may, by regulation, establish, for the purposes of sections 25, 115.1, 115.10.1, 115.10.4, 115.10.6 and 115.10.7.1, the tariff applicable to the payment of the redemption cost, which may vary according to the employee's or person's age, the reason for the absence, the year of service covered by the redemption and the date of receipt of the application, and prescribe, in addition to a minimum cost for the purposes of section 25, the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in those sections;

WHEREAS under section 115.10.7.3 of the Act, unless it is listed in Schedule II.2, an employer referred to in section 115.10.7.1 must pay to Retraite Québec an amount equal to the amount determined under that section 115.10.7.3 in relation to the service completed in the three years prior to the date of receipt of the application for redemption. The conditions and terms of payment of the amount are determined by regulation;

WHEREAS under subparagraph 14.1.1 of the first paragraph of section 134 of the Act, the Government may, by regulation, determine, for the purposes of section 115.10.7.3, the conditions and terms of payment by the employer of the amount concerned;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988;

WHEREAS section 8.3 of the Regulation provides that for the purposes of the second paragraph of sections 25, 115.1, 115.10.1, 115.10.4 and the third paragraph of section 115.10.6 of the Act respecting the Government and Public Employees Retirement Plan, the amount required of the employee to pay the cost of redemption is established in accordance with the tariff in Schedule 0.I to the Regulation;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under the first paragraph of section 134 of the Act, the Government exercises the regulatory powers provided for in that section after Retraite Québec has consulted the pension committee referred to in section 163;

WHEREAS under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

Act respecting the Government and
Public Employees Retirement Plan
(chapter R-10, s. 134, 1st par., subpars. 0.1.1, 4.2 and 14.1.1)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4, ss. 77 and 78)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) is amended by inserting the following after section 0.1:

"**DIVISION 0.1.1**
ABSENCE WITHOUT PAY
(s. 134, 1st par., subpar. 0.1.1)

0.1.1. An absence without pay is

(1) an absence of the employee owing to a strike or a lock-out;

(2) an absence of the employee owing to a disciplinary suspension and for which the employee receives no pay;

(3) an absence within 36 months after the date of a person's dismissal owing to disability;

(4) an absence within 24 months after the date of a person's dismissal owing to a cause other than disability; and

(5) an absence after the date of dismissal of the person concerned, to the extent that it is agreed that the absence must be considered to be an absence without pay in an agreement entered into after 6 May 2016 and before 17 July 2018.

For the purposes of subparagraphs 3 and 4 of the first paragraph, the absence must be agreed to in an out-of-court settlement of the dismissal grievance entered into after 16 July 2018. In addition, the absence must not be later than the earliest date on which the person would be entitled to a pension if the person ceased to participate in the plan on that date.

A person on a leave of absence described in subparagraph 3, 4 or 5 of the first paragraph is considered to be an employee.".

2. Section 8.3 is amended

(1) by replacing "and the third paragraph of section 115.10.6" by ", the third paragraph of section 115.10.6 and the second paragraph of section 115.10.7.1";

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

"Despite the first paragraph, the amount required from the person to pay the cost of the redemption referred to in section 115.10.7.1 of the Act for a year or part of a year of service completed in the three years prior to the date of receipt of the application for redemption is established on the basis of the percentage necessary for the amount to equal the sum of the contributions that would have been withheld if the person concerned had benefitted from the conditions of employment that should have applied during that period.".

3. The Regulation is amended by inserting the following after section 8.5:

"**8.6.** For the purposes of the second paragraph of section 115.10.7.1 of the Act, the pensionable salary of a person who is not participating in the plan on the date Retraite Québec receives the application for redemption is the annual pensionable salary that would have been paid on that date if the person had benefitted from the conditions of employment that should have applied during that period or, if that date is one on which the person was an employee entitled to salary insurance benefits or

an employee on maternity leave, the annual pensionable salary that the person would have been entitled to, had it not been for that absence or leave, if the person had benefitted from such conditions of employment.

In the case where the person, under the conditions of employment that should have been applicable during that period, would not have received salary on the date Retraite Québec received the person's application for redemption, the tariff applies to the annual pensionable salary that would have been paid on that date if the person had continued to hold, up to that date, the employment held on the last day worked.

If that employment no longer exists with the employer, the tariff applies to the annual pensionable salary that would have been received if the person had benefitted from the conditions of employment that should have applied on the last day worked, increased by the percentage increase in the salary scales provided for in the conditions of employment applicable to employment in the same class with an employer whose conditions of employment are governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) between the last day and the day the person's application for redemption is received at Retraite Québec.".

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

"**DIVISION XII.1**
CONDITIONS AND TERMS OF PAYMENT OF AN AMOUNT BY THE EMPLOYER ON REDEMPTION
(s. 134, 1st par., subpar. 14.1.1)

32.1. For the purposes of section 115.10.7.3 of the Act, an employer must pay, within 30 days of the date of the statement of account sent by Retraite Québec, the amount established in the statement.

Any amount not paid within the 30-day period is increased by interest, compounded annually, at the rate in Schedule VII to the Act in force on the statement of account date and calculated as of that date.".

5. Schedule 0.I is amended by adding the following section at the end:

"6- The tariff applicable to pay the cost of redemption of service under section 115.10.7.1 of the Act in respect of a year or part of a year of service prior to 1 January 1988 is the tariff appearing in the table in section 3 of this Schedule.

The tariff applicable to pay the cost of redemption of service under section 115.10.7.1 of the Act in respect of a year or part of a year of service after 31 December 1987 is the tariff appearing in the table in section 1 of this Schedule.".

6. This Regulation has effect from 21 March 2018, except subparagraphs 1 and 2 of the first paragraph of section 0.1.1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan, enacted by section 1, which have effect from 14 June 2002, and subparagraphs 3 to 5 of the first paragraph and the second and third paragraphs of that section 0.1.1, which have effect from 17 July 2018.

103626

Gouvernement du Québec

T.B. 219767, 17 July 2018

Act respecting the Government and Public Employees Retirement Plan
(chapter R-10)

Application of Title IV.2 of the Act —Amendment

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under subparagraph 1 of the first paragraph of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Government may, by regulation, determine the manner in which a person's pensionable salary, annualized pensionable salary, credited service and employee and employer contributions, together with the terms and conditions governing the payment of those contributions, are calculated for the purposes of the pension plan following the application of certain provisions of a person's conditions of employment, in particular within the scope of measures concerning alternative work schedules or the granting of leave without pay to reduce certain costs arising from the conditions of employment, or following the application of sections 79.3, 79.16 and 81.15 of the Act respecting labour standards (chapter N-1.1);

WHEREAS the Government made the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 4), by Order in Council 690-96 dated 12 June 1996;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under the first paragraph of section 215.17 of the Act, government regulations under Title IV.2 are made after Retraite Québec has consulted with the pension committees referred to in section 163, section 139.3 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) and section 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

WHEREAS under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the consultations have been held, except consultations with the committee referred to in section 139.3 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, since the proposed amendments are not applicable to the members of the Pension Plan of Peace Officers in Correctional Services;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

Act respecting the Government and Public Employees Retirement Plan (chapter R-10, s. 215.13, 1st par., subpar. 1)

1. Section 4 of the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 4) is amended by adding the following paragraphs:

"The service and the salary used for the purposes of the pension plan concerned are not reduced during the days and parts of a day of an absence described in subparagraph 5 of the first paragraph of section 0.0.0.2 of the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1, r. 1), of section 0.1.1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2), of section 2.2 of the Regulation under the Act respecting the Teachers Pension Plan (chapter R-11, r. 1), of section 3.1 of the Regulation under the Act respecting the Civil Service Superannuation Plan (chapter R-12, r. 1) or of section 1.2 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1), if the agreement concerned provides for payment of a contribution pursuant to the person's pension plan. For that purpose, a person's service is the service that would have been credited and the person's pensionable salary is the pensionable salary that would have been received, had the person not been dismissed. Contributions must be paid to Retraite Québec in accordance with the provisions of the person's pension plan. The same applies to any contributory amounts that must be paid by employers. Despite the foregoing, the agreement may provide that a person's service is less than the service that would have been credited and that the person's pensionable salary is less than the salary that would have been received. In that case, the person may have the days and parts of a day not credited counted in accordance with the provisions concerning redemption of absence without pay in the retirement plan of which the person is a member even though the person does not hold pensionable employment.

This section does not apply in respect of an absence described in subparagraphs 3 and 4 of the first paragraph of section 0.0.0.2 of the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, of section 0.1.1 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan, of section 2.2 of the Regulation under the Act respecting the Teachers Pension Plan, of section 3.1 of the Regulation under the Act respecting the Civil Service Superannuation Plan or of section 1.2 of the Regulation under the Act respecting the Pension Plan of Management Personnel.".

2. This Regulation comes into force on 17 July 2018.

103627

Gouvernement du Québec

T.B. 219768, 17 July 2018

Act respecting the Teachers Pension Plan
(chapter R-11)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4)

Regulation
— Amendment

Regulation to amend the Regulation under the Act respecting the Teachers Pension Plan

WHEREAS under the first paragraph of section 2.1.1 of the Act respecting the Teachers Pension Plan (chapter R-11), an absence without pay is an absence that is provided for in the teacher's conditions of employment and authorized by the teacher's employer, for which the teacher does not receive pay, and during which the teacher would have been expected to perform or could have performed work had it not been for the absence;

WHEREAS under the second paragraph of that section 2.1.1, the Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered a teacher;

WHEREAS under paragraph 2.2 of section 73 of the Act, the Government may, by regulation, determine, for the purposes of section 2.1.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered a teacher;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Teachers Pension Plan (chapter R-11, r. 1) by Decision 169291 dated 29 November 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 73 of the Act, the Government exercises the regulatory powers provided for in that section after Retraite Québec has consulted the pension committee;

WHEREAS the pension committee concerned is the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

WHEREAS under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Teachers Pension Plan, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Teachers Pension Plan

Act respecting the Teachers Pension Plan
(chapter R-11, s. 73, par. 2.2)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4, s. 77)

1. The Regulation under the Act respecting the Teachers Pension Plan (chapter R-11, r. 1) is amended by inserting the following after section 2.1:

"**CHAPTER II.2**
ABSENCE WITHOUT PAY
(s. 73, par. 2.2)

2.2. An absence without pay is

(1) an absence of the teacher owing to a strike or a lock-out;

(2) an absence of the teacher owing to a disciplinary suspension and for which the employee receives no pay;

(3) an absence within 36 months after the date of a person's dismissal owing to disability;

(4) an absence within 24 months after the date of a person's dismissal owing to a cause other than disability; and

(5) an absence after the date of dismissal of the person concerned, to the extent that it is agreed that the absence must be considered to be an absence without pay in an agreement entered into after 6 May 2016 and before 17 July 2018.

For the purposes of subparagraphs 3 and 4 of the first paragraph, the absence must be agreed to in an out-of-court settlement of the dismissal grievance entered into after 16 July 2018. In addition, the absence must not be later than the earliest date on which the person would be entitled to a pension if the person ceased to participate in the plan on that date.

A person on a leave of absence described in subparagraph 3, 4 or 5 of the first paragraph is considered to be a teacher.".

2. This Regulation has effect from 17 July 2018, except subparagraphs 1 and 2 of the first paragraph of section 2.2 of the Regulation under the Act respecting the Teachers Pension Plan, enacted by section 1, which have effect from 14 June 2002.

103628

Gouvernement du Québec

T.B. 219769, 17 July 2018

Act respecting the Civil Service Superannuation Plan (chapter R-12)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Regulation — Amendment

Regulation to amend the Regulation under the Act respecting the Civil Service Superannuation Plan

WHEREAS under the first paragraph of section 55.0.1 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), an absence without pay is an absence that is provided for in the officer's conditions of employment and authorized by the officer's employer, for which the officer does not receive pay, and during which the officer would have been expected to perform or could have performed work had it not been for the absence;

WHEREAS under the second paragraph of that section 55.0.1, the Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered an officer;

WHEREAS under paragraph 3.0.1 of section 109 of the Act, the Government may, by regulation, determine, for the purposes of section 55.0.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered an officer;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Civil Service Superannuation Plan (chapter R-12, r. 1) by Decision 169292 dated 29 November 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 109 of the Act, the Government exercises the regulatory powers provided for in that section after Retraite Québec has consulted the pension committee;

WHEREAS the pension committee concerned is the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

WHEREAS under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Civil Service Superannuation Plan, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Civil Service Superannuation Plan

Act respecting the Civil Service Superannuation Plan (chapter R-12, s. 109, par. 3.0.1)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4, s. 77)

1. The Regulation under the Act respecting the Civil Service Superannuation Plan (chapter R-12, r. 1) is amended by inserting the following after section 3:

"**CHAPTER III.1**
ABSENCE WITHOUT PAY
(s. 109, par. 3.0.1)

3.1. An absence without pay is

(1) an absence of the officer owing to a strike or a lock-out;

(2) an absence of the officer owing to a disciplinary suspension and for which the employee receives no pay;

(3) an absence within 36 months after the date of a person's dismissal owing to disability;

(4) an absence within 24 months after the date of a person's dismissal owing to a cause other than disability; and

(5) an absence after the date of dismissal of the person concerned, to the extent that it is agreed that the absence must be considered to be an absence without pay in an agreement entered into after 6 May 2016 and before 17 July 2018.

For the purposes of subparagraphs 3 and 4 of the first paragraph, the absence must be agreed to in an out-of-court settlement of the dismissal grievance entered into after 16 July 2018. In addition, the absence must not be later than the earliest date on which the person would be entitled to a pension if the person ceased to participate in the plan on that date.

A person on a leave of absence described in subparagraph 3, 4 or 5 of the first paragraph is considered to be an officer.".

2. This Regulation has effect from 17 July 2018, except subparagraphs 1 and 2 of the first paragraph of section 3.1 of the Regulation under the Act respecting the Civil Service Superannuation Plan, enacted by section 1, which have effect from 14 June 2002.

103629

Gouvernement du Québec

T.B. 219770, 17 July 2018

Act respecting the Pension Plan of Certain Teachers (chapter R-9.1)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions (2018, chapter 4)

Regulation —Amendment

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers

WHEREAS under the first paragraph of section 4.0.1 of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1), an absence without pay is an absence that is provided for in the conditions of employment of the absent person and authorized by the employer, for which the person does not receive pay, and during which the person would have been expected to perform or could have performed work had it not been for the absence;

WHEREAS under the second paragraph of that section 4.0.1, the Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered a person to whom the Pension Plan of Certain Teachers applies;

WHEREAS under paragraph 1.0.0.2 of section 41.8 of the Act, the Government may, by regulation, determine, for the purposes of section 4.0.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered a person to whom the Pension Plan of Certain Teachers applies;

WHEREAS the Government made the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1, r. 1) by Order in Council 708-94 dated 18 May 1994;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 41.8 of the Act, the Government exercises the regulatory powers provided for in that section after Retraite Québec has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

WHEREAS under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers

Act respecting the Pension Plan of Certain Teachers
(chapter R-9.1, s. 41.8, par. 1.0.0.2)

Act respecting the implementation of recommendations of the pension committee of certain public sector pension plans and amending various legislative provisions
(2018, chapter 4, s. 77)

1. The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1, r. 1) is amended by inserting the following after section 0.0.0.1:

"**DIVISION 0.0.0.2**
ABSENCE WITHOUT PAY
(s. 4.0.1)

0.0.0.2. An absence without pay is

(1) an absence of the person owing to a strike or a lock-out;

(2) an absence of the person owing to a disciplinary suspension and for which the employee receives no pay;

(3) an absence within 36 months after the date of a person's dismissal owing to disability;

(4) an absence within 24 months after the date of a person's dismissal owing to a cause other than disability; and

(5) an absence after the date of dismissal of the person concerned, to the extent that it is agreed that the absence must be considered to be an absence without pay in an agreement entered into after 6 May 2016 and before 17 July 2018.

For the purposes of subparagraphs 3 and 4 of the first paragraph, the absence must be agreed to in an out-of-court settlement of the dismissal grievance entered into after 16 July 2018. In addition, the absence must not be later than the earliest date on which the person would be entitled to a pension if the person ceased to participate in the plan on that date.

A person on a leave of absence described in subparagraph 3, 4 or 5 of the first paragraph is considered to be a person to whom the Pension Plan of Certain Teachers applies.".

2. This Regulation has effect from 17 July 2018, except subparagraphs 1 and 2 of the first paragraph of section 0.0.0.2 of the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, enacted by section 1, which have effect from 14 June 2002.

103630

Gouvernement du Québec

T.B. 219771, 17 July 2018

Act respecting the Pension Plan
of Management Personnel
(chapter R-12.1)

Act respecting the implementation of recommendations
of the pension committee of certain public sector
pension plans and amending various
legislative provisions
(2018, chapter 4)

Regulation
— Amendment

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS under the first paragraph of section 7.1 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), an absence without pay is an absence that is provided for in the employee's conditions of employment and authorized by the employee's employer, for which the employee does not receive pay, and during which the employee would have been expected to perform or could have performed work had it not been for the absence;

WHEREAS under the second paragraph of that section 7.1, the Government may, by regulation, determine any other absence that constitutes an absence without pay and for which, if applicable, the absent person is considered an employee;

WHEREAS under paragraph 2.3 of the first paragraph of section 196 of the Act, the Government may, by regulation, determine, for the purposes of section 7.1, absences that constitute an absence without pay and for which, if applicable, the absent person is considered an employee;

WHEREAS under the first paragraph of section 152.8.1 of the Act, if, during years or parts of a year of service completed, a person was an employee of an employer designated in Schedule II and was not excluded from the plan under paragraph 4 of section 0.1 of the Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1), the person may be credited, for pension purposes, with such years or parts of a year up to a maximum of 18 years, except the years or parts of a year during which the person participated in a pension plan. However, the years or parts of a year of service completed prior to the date that is three years before the date of receipt of the application for redemption may be credited up to a maximum of 15 years;

WHEREAS under subparagraph 5.1 of the first paragraph of section 196 of the Act, the Government may, by regulation, establish, for the purposes of sections 39, 146, 152.1, 152.4, 152.6 and 152.8.1, the tariff applicable to the payment of the redemption cost, which may vary according to the employee's or person's age, the reason for the absence, the year of service covered by the redemption and the date of receipt of the application, and prescribe, in addition to a minimum cost for the purposes of section 39, the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in those sections;

WHEREAS under section 152.8.3 of the Act, unless it is listed in Schedule IV, an employer referred to in section 152.8.1 must pay to Retraite Québec an amount equal to the amount determined under that section in relation to the service completed in the three years prior to the date of receipt of the application for redemption. The conditions and terms of payment of the amount are determined by regulation;

WHEREAS under subparagraph 12.1 of the first paragraph of section 196 of the Act, the Government may, by regulation, determine, for the purposes of section 152.8.3, the conditions and terms of payment by the employer of the amount concerned;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by Decision 202420 dated 24 May 2005;

WHEREAS section 4 of the Regulation provides that for the purposes of the second paragraph of sections 39, 146, 152.1, 152.4 and the third paragraph of section 152.6 of the Act, the amount required of the employee to pay the cost of redemption is established in accordance with the tariff in Schedule I to the Regulation;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under the first paragraph of section 196 of the Act, the Government exercises the regulatory powers provided for in that section after Retraite Québec has consulted the pension committee referred to in section 196.2;

WHEREAS under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except for certain powers;

WHEREAS the consultations have been held;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached to this Decision, is hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

Act respecting the Pension Plan
of Management Personnel
(chapter R-12.1, s. 196, 1st par., subpars. 2.3, 5.1
and 12.1)

Act respecting the implementation of recommendations
of the pension committee of certain public sector
pension plans and amending various
legislative provisions
(2018, chapter 4, ss. 77 and 78)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel (chapter R-12.1, r. 1) is amended by inserting the following after section 1.1:

"**DIVISION I.2**
ABSENCE WITHOUT PAY
(s. 196, 1st par., subpar. 2.3)

1.2. An absence without pay is

(1) an absence of the employee owing to a strike or a lock-out;

(2) an absence of the employee owing to a disciplinary suspension and for which the employee receives no pay;

(3) an absence within 36 months after the date of a person's dismissal owing to disability;

(4) an absence within 24 months after the date of a person's dismissal owing to a cause other than disability; and

(5) an absence after the date of dismissal of the person concerned, to the extent that it is agreed that the absence must be considered to be an absence without pay in an agreement entered into after 6 May 2016 and before 17 July 2018.

For the purposes of subparagraphs 3 and 4 of the first paragraph, the absence must be agreed to in an agreement entered into after 16 July 2018 terminating the dismissal complaint. In addition, the absence must not be later than the earliest date on which the person would be entitled to a pension if the person ceased to participate in the plan on that date.

A person on a leave of absence described in subparagraph 3, 4 or 5 of the first paragraph is considered to be an employee.".

2. Section 4 is amended

(1) by replacing "and the third paragraph of section 152.6" by ", the third paragraph of section 152.6 and the second paragraph of section 152.8.1";

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

"Despite the first paragraph, the amount required from the person to pay the cost of the redemption referred to in section 152.8.1 of the Act for a year or part of a year of service completed in the three years prior to the date of receipt of the application for redemption is established on the basis of the percentage necessary for the amount to equal the sum of the contributions that would have been withheld if the person concerned had benefitted from the conditions of employment that should have applied during that period.".

3. The Regulation is amended by inserting the following after section 6:

"**6.0.0.1.** For the purposes of the second paragraph of section 152.8.1 of the Act, the pensionable salary of a person who is not participating in the plan on the date Retraite Québec receives the application for redemption is the annual pensionable salary that would have been paid on that date if the person had benefitted from the conditions of employment that should have applied during that period or, if that date is one on which the person was an employee entitled to salary insurance benefits or an employee on maternity leave, the annual pensionable salary that the person would have been entitled to, had it not been for that absence or leave, if the person had benefitted from such conditions of employment.

In the case where the person, under the conditions of employment that should have been applicable during that period, would not have received salary on the date Retraite Québec received the person's application for redemption, the tariff applies to the annual pensionable salary that would have been paid on that date if the person had continued to hold, up to that date, the employment held on the last day worked.

If that employment no longer exists with the employer, the tariff applies to the annual pensionable salary that would have been received if the person had benefitted from the conditions of employment that should have applied on the last day worked, increased by the percentage increase in the salary scale provided for in the conditions of employment applicable to class 4 public service management personnel positions between the last day and the day the person's application for redemption is received at Retraite Québec.".

4. The Regulation is amended by inserting the following after section 10.1:

"**DIVISION IV.2**
CONDITIONS AND TERMS OF PAYMENT OF AN AMOUNT BY THE EMPLOYER ON REDEMPTION
(s. 196, 1st par., subpar. 12.1)

10.2. For the purposes of section 152.8.3 of the Act, an employer must pay, within 30 days of the date of the statement of account sent by Retraite Québec, the amount established in the statement.

Any amount not paid within the 30-day period is increased by interest, compounded annually, at the rate in Schedule VIII to the Act in force on the statement of account date and calculated as of that date.".

5. Schedule I is amended by adding the following section at the end:

"(5) The tariff applicable to pay the cost of redemption of service under section 152.8.1 of the Act in respect of a year or part of a year of service prior to 1 January 1988 is the tariff appearing in the table in section 2 of this Schedule.

The tariff applicable to pay the cost of redemption of service under section 152.8.1 of the Act in respect of a year or part of a year of service after 31 December 1987 is the tariff appearing in the table in section 1 of this Schedule.".

6. This Regulation has effect from 21 March 2018, except subparagraphs 1 and 2 of the first paragraph of section 1.2 of the Regulation under the Act respecting the Pension Plan of Management Personnel, enacted by section 1, which have effect from 14 June 2002, and subparagraphs 3 to 5 of the first paragraph and the second and third paragraphs of that section 1.2, which have effect from 17 July 2018.

103631

Index

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