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Part

2

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Laws and Regulations

Volume 150

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Contents

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- (1) Acts assented to;
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- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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Coming into force of Acts

Gouvernement du Québec

O.C. 1190-2018, 15 August 2018

**Funeral Operations Act
(2016, chapter 1)**

— **Coming into force of the provisions of the Act**

COMING INTO FORCE of the provisions of the Funeral Operations Act

WHEREAS the Funeral Operations Act (2016, chapter 1) was assented to on 17 February 2016;

WHEREAS section 150 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 January 2019 as the date of coming into force of the provisions of the Act, except:

(1) the provisions of sections 1, 2, 3, 7, 8, 9, 11 and 12, the first paragraph of section 15, the second paragraph of sections 16 and 17, sections 21, 27, 30, 33, 36, 38 and 46, the second paragraph of section 48, sections 61 and 63, the first paragraph of section 65, subparagraph 3 of the first paragraph and the second and third paragraphs of section 66, section 69, the second paragraph of section 70, the third paragraph of section 79, section 81, the second paragraph of section 82, section 88 and the second paragraph of section 97, which come into force on 15 August 2018;

(2) the provisions of section 143;

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

THAT 1 January 2019 be set as the date of coming into force of the provisions of the Funeral Operations Act (2016, chapter 1), except:

(1) the provisions of sections 1, 2, 3, 7, 8, 9, 11 and 12, the first paragraph of section 15, the second paragraph of sections 16 and 17, sections 21, 27, 30, 33, 36, 38 and 46, the second paragraph of section 48, sections 61 and 63, the first paragraph of section 65, subparagraph 3 of the first paragraph and the second and third paragraphs of section 66, section 69, the second paragraph of section 70, the

third paragraph of section 79, section 81, the second paragraph of section 82, section 88 and the second paragraph of section 97, which come into force on 15 August 2018;

(2) the provisions of section 143.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

103685

Gouvernement du Québec

O.C. 1191-2018, 15 August 2018

**An Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services
(2016, chapter 28)**

CONCERNING the Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services

WHEREAS the Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services (2016, chapter 28) was assented to on 7 December 2016;

WHEREAS, under section 84 of that Act, the provisions of that Act are to come into force on 7 December 2016, except notably, as set out in paragraph (4) of that section, for sections 39 and 50 of that Act, to the extent that they concern section 8.1.2 of the Act respecting prescription drug insurance (chapter A-29.01), which come into force by order of the Government;

WHEREAS it is expedient to set 31 October 2018 as the date of coming into force of sections 39 and 50 of the Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services, to the extent that they concern section 8.1.2 of the Act respecting prescription drug insurance;

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

THAT 31 October 2018 be set as the date of coming into force of sections 39 and 50 of the Act to extend the powers of the Régie de l'assurance maladie du Québec, regulate commercial practices relating to prescription drugs and protect access to voluntary termination of pregnancy services (2016, chapter 28), to the extent that they concern section 8.1.2 of the Act respecting prescription drug insurance (chapter A-29.01).

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

103683

Regulations and other Acts

Gouvernement du Québec

O.C. 1088-2018, 7 August 2018

An Act respecting the Ministère des Transports
(1972, chapter 54)

Authorization to the Minister of Transport, Sustainable Mobility and Transport Electrification to declare that the road of the J.-Alex Michaud peat bog, located in the territory of Municipalité de L'Isle-Verte, is no longer a mining road

WHEREAS the road of the J.-Alex Michaud peat bog, currently known as lot 5 351 626 of the cadastre of Québec, land division of Témiscouata, located in the territory of Municipalité de L'Isle-Verte, was approved as a mining road under Order in Council 1726 dated 23 October 1947;

WHEREAS that mining road was acquired by the Gouvernement du Québec, to the benefit of the Minister of Mines, as it appears in the deed published in the registry office of the land division of Témiscouata, on 13 August 1948, under number 107-737;

WHEREAS the mining road has been under the authority of the Minister of Transport, Sustainable Mobility and Transport Electrification since 1 April 1973, under the Act respecting the Ministère des Transports (1972, chapter 54);

WHEREAS, under section 247 of the Mining Act (chapter M-13.1), the Minister of Transport, Sustainable Mobility and Transport Electrification may, with the authorization of the Government, declare that a mining road is no longer a mining road;

WHEREAS the mining road is no longer used for the operations of the peat bog and it is no longer required by the Minister of Transport, Sustainable Mobility and Transport Electrification or Municipalité de L'Isle-Verte;

WHEREAS it is expedient to authorize the Minister of Transport, Sustainable Mobility and Transport Electrification to declare that the road of the J.-Alex Michaud peat bog, currently known as lot 5 351 626 of the cadastre of Québec, land division of Témiscouata, located in the territory of Municipalité de L'Isle-Verte, is no longer a mining road;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport, Sustainable Mobility and Transport Electrification:

THAT the Minister of Transport, Sustainable Mobility and Transport Electrification be authorized to declare that the road of the J.-Alex Michaud peat bog, currently known as lot 5 351 626 of the cadastre of Québec, land division of Témiscouata, located in the territory of Municipalité de L'Isle-Verte, is no longer a mining road.

MARC-ANTOINE ADAM,
Associate Secretary General

103652

Gouvernement du Québec

O.C. 1092-2018, 7 August 2018

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

Servicing areas of the cities of Québec, L'Ancienne-Lorette and Saint-Augustin-de-Desmaures and of the Wendake Indian Reserve and servicing areas of the cities of Saint-Jérôme and Prévost

WHEREAS the first paragraph of section 5.1 of the Act respecting transportation services by taxi (chapter S-6.01) provides that the Government is to determine the number of servicing areas and the territory of each one;

WHEREAS section 53 of the Act to amend various legislative provisions respecting mainly transportation services by taxi (2016, chapter 22) provides that the servicing areas delimited by the Commission des transports du Québec under section 6 of the Act respecting transportation services by taxi, as it read on 9 June 2016, are deemed to be determined by the Government under section 5.1 of that Act;

WHEREAS it is expedient to combine servicing areas A-25 Charlesbourg, A-30 Est de Québec, A-36 Québec, A-38 Sainte-Foy-Sillery, Saint-Émile, Val-Bélair et Wendake into a single servicing area;

WHEREAS it is expedient that the new servicing area correspond to the territories of the Wendake Indian Reserve and of Ville de Québec, Ville de L'Ancienne-Lorette and Ville de Saint-Augustin-de-Desmaures;

WHEREAS it is expedient to combine servicing areas A-15 Saint-Jérôme and Prévost into a single servicing area;

WHEREAS it is expedient that the new servicing area correspond to the territories of Ville de Saint-Jérôme and Ville de Prévost;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport, Sustainable Mobility and Transport Electrification:

THAT servicing areas A-25 Charlesbourg, A-30 Est de Québec, A-36 Québec, A-38 Sainte-Foy-Sillery, Saint-Émile, Val-Bélair and Wendake be combined into a single servicing area, that area being the A-36 Québec servicing area;

THAT the A-36 Québec servicing area correspond to the territories of the Wendake Indian Reserve and of Ville de Québec, Ville de L'Ancienne-Lorette and Ville de Saint-Augustin-de-Desmaures;

THAT servicing areas A-15 Saint-Jérôme and Prévost be combined into a single servicing area, that area being the A-15 Saint-Jérôme servicing area;

THAT servicing area A-15 Saint-Jérôme corresponds to the territories of Ville de Saint-Jérôme and Ville de Prévost;

THAT this Order in Council come into force on 24 September 2018.

MARC-ANTOINE ADAM,
Associate Secretary General

103653

Gouvernement du Québec

O.C. 1093-2018, 7 August 2018

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

Taxi owner's permits

— Maximum number per taxi servicing area and certain conditions of operation

— Amendment

Regulation to amend the Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation

WHEREAS, under section 10.1 of the Act respecting transportation services by taxi (chapter S-6.01), the Government may, for each servicing area it specifies, set the maximum number of taxi owner's permits that may

be issued by the Commission des transports du Québec according to any categories of services the Government identifies and on any conditions it determines;

WHEREAS section 56 of the Act to amend various legislative provisions respecting mainly transportation services by taxi (2016, chapter 22) provides that the Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation (chapter S-6.01, r. 2) is deemed to be a regulation made by the Government under section 10.1 of the Act respecting transportation services by taxi;

WHEREAS section 57 of the Act to amend various legislative provisions respecting mainly transportation services by taxi provides that the first regulation made by the Government under section 10.1 of the Act respecting transportation services by taxi is not subject to the publication requirement or to the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1);

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport, Sustainable Mobility and Transport Electrification:

THAT the Regulation to amend the Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation be made.

MARC-ANTOINE ADAM,
Associate Secretary General

Regulation to amend the Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation

An Act respecting transportation services by taxi
(chapter S-6.01, s. 10.1)

1. The Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation (chapter S-6.01, r. 2) is amended in section 1 by replacing “established and delimited under subparagraph 4 of the first paragraph of section 79” by “determined under section 5.1”.

2. The Schedule is amended

(1) by replacing “46” in the line concerning the Saint-Jérôme servicing area by “54”;

(2) by striking out the following line:

“102025 A.25 Charlesbourg 38”;

(3) by striking out the following line:

“102030 A.30 Est de Québec 51”;

(4) by replacing “437” in the line concerning the Québec servicing area by “638”;

(5) by striking out the following line:

“102038 A.38 Sainte-Foy-Sillery 100”;

(6) by striking out the following lines:

“202302 Saint-Émile 19

202303 Val-Bélair 21

202304 Wendake 2”;

(7) by striking out the following line:

“207501 Prévost 8”.

3. For the period from 29 August 2018 to 23 September 2018, the Schedule is amended

(1) by replacing “19” in the line concerning the Saint-Émile servicing area by “1”;

(2) by replacing “21” in the line concerning the Val-Bélair servicing area by “10”;

(3) by replacing “2” in the line concerning the Wendake servicing area by “1”.

4. This Regulation comes into force on 29 August 2018, except section 2, which comes into force on 24 September 2018.

103654

Gouvernement du Québec

O.C. 1110-2018, 15 August 2018

Animal Health Protection Act
(chapter P-42)

**Administering of certain medications
— Amendment**

Regulation to amend the Regulation respecting the administering of certain medications

WHEREAS, under subparagraph 7 of the first paragraph of section 55.9 of the Animal Health Protection Act (chapter P-42), the Government may make regulations to prohibit or restrict the administering of certain medications to categories of animals;

WHEREAS, under subparagraph 11 of the first paragraph of section 55.9 of the Act, the Government may make regulations to determine, among the provisions of a regulation passed under that section, those provisions the contravention of which is punishable under section 55.43 of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the administering of certain medications was published in Part 2 of the *Gazette officielle du Québec* of 30 August 2017 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the administering of certain medications, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the administering of certain medications

Animal Health Protection Act
(chapter P-42, s. 55.9, 1st par., subpars. 7 and 11)

1. The Regulation respecting the administering of certain medications (chapter P-42, r. 1) is amended by inserting the following after section 1:

1.1. The administering, for curative purposes, of a medication belonging to one of the classes of antimicrobials of the “Category I: Very High Importance” to an animal intended or whose products are intended for human consumption is reserved exclusively to the cases in which it appears, for instance after carrying out an antibiogram, that the administering of a medication of a class other than the classes of that category will not allow treatment of the disease.

The term “classes of antimicrobials of the “Category I: Very High Importance”” refers to the classes published on the Health Canada website derived from the antimicrobial categorization based on the importance of those medications in human medicine.

1.2. The administering, for preventive purposes, of a medication belonging to one of the classes of antimicrobials of the “Category I: Very High Importance” to an animal intended or whose products are intended for human consumption is prohibited.

The prohibition provided for in the first paragraph does not apply in the case of an animal that does not show any signs of disease if that animal is part of a restricted group including sick animals that may, in accordance with section 1.1, be treated using a medication belonging to one of the classes of antimicrobials of the “Category I: Very High Importance” and if there is a serious risk of propagation of the disease by reason of the proximity of the animals.

1.3. The administering of a medication belonging to one of the classes of antimicrobials of the “Category I: Very High Importance” to embryonated poultry eggs is prohibited.

The administering of such medication to embryonated eggs from birds of a flock used to provide genetic material is allowed where the following conditions are present:

- (a) an infectious agent is present within the flock;
- (b) the propagation of the infectious agent to embryonated eggs poses a serious risk to the health of the bird stock or of humans;

(c) treatment of the infected birds will not control the risk of propagation to embryonated eggs;

(d) the administering of a medication of a class other than the “Category I: Very High Importance” will not eliminate the infectious agent.

1.4. Every person who contravenes any of the provisions of this Regulation is liable to the penalty provided for in section 55.43 of the Animal Health Protection Act (chapter P-42).”

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

103665

Gouvernement du Québec

O.C. 1146-2018, 15 August 2018

An Act respecting parental insurance
(chapter A-29.011)

Parental insurance plan

— Premium rates

— Amendment

Regulation to amend the Regulation respecting premium rates under the parental insurance plan

WHEREAS the first paragraph of section 6 of the Act respecting parental insurance (chapter A-29.011) provides that the Conseil de gestion de l'assurance parentale sets, by regulation, the premium rates under the parental insurance plan applicable to an employee or a person referred to in section 51 of the Act, to an employer, to a self-employed worker, a family-type resource or an intermediate resource;

WHEREAS the second paragraph of section 88 of the Act provides that the regulations of the Conseil de gestion require the approval of the Government; the Government may approve them with or without amendment;

WHEREAS the Conseil de gestion made the Regulation to amend the Regulation respecting premium rates under the parental insurance plan on 8 May 2018;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting premium rates under the parental insurance plan was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2018, with

a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting premium rates under the parental insurance plan, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting premium rates under the parental insurance plan

An Act respecting parental insurance (chapter A-29.011, s. 6)

1. The Regulation respecting premium rates under the parental insurance plan (chapter A-29.011, r. 5) is amended by replacing section 1 by the following:

“1. The premium rate applicable to an employee and to a person referred to in section 51 of the Act is 0.526%.

The premium rate applicable to a self-employed worker and a family-type resource or intermediate resource is 0.934%.

The premium rate applicable to an employer is 0.736%.”

2. This Regulation comes into force on 1 January 2019.

103666

Gouvernement du Québec

O.C. 1150-2018, 15 August 2018

An Act respecting the Régie de l'énergie (chapter R-6.01)

Energy Transition Québec — Annual contribution

WHEREAS under subparagraph 11 of the first paragraph of section 114 of the Act respecting the Régie de l'énergie (chapter R-6.01), the Régie may make regulations determining the due dates, rate and method for calculating

the annual contribution payable to Energy Transition Québec by an energy distributor under section 49 of the Act respecting Transition énergétique Québec (chapter T-11.02) as well as the terms and conditions of payment, the rate of interest on sums due and the penalties exacted for failure to pay;

WHEREAS under the third paragraph of section 114 of this act, the rate, calculation method and terms and conditions referred to in subparagraph 11 of the first paragraph, may vary from one distributor or class of distributors to another, the regulation may also exempt a distributor or class of distributors and a penalty set by the Régie may not exceed 15% of the amount that should have been paid;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (CQLR, c. R-18.1), the draft Regulation respecting the annual contribution payable to Energy Transition Québec was published in Part 2 of the *Gazette officielle du Québec* on May 16, 2018, with a notice that the Regulation could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS under section 115 of the Act respecting the Régie de l'énergie, the rules of procedure and regulations made by the Régie must be submitted to the Government, which may approve them with or without amendments;

WHEREAS it is advisable to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Energy and Natural Resources:

THAT the Regulation respecting the annual contribution payable to Energy Transition Québec, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the annual contribution payable to Energy Transition Québec

An Act respecting the Régie de l'énergie (chapter R-6.01, s. 114, 1st par., subpar. 11, and 3rd par.)

1. Subject to section 86 of the Act respecting Transition Énergétique Québec (chapter T-11.02), the annual contribution payable to Energy Transition Québec by an energy distributor under section 49 of that Act for the fiscal year ending on 31 March 2008 and for each subsequent fiscal year corresponds to the sum of all products obtained by

multiplying the applicable rate determined under section 3, per form of energy, by the volume of energy concerned determined under section 4 that is attributable to the energy distributor.

For the purposes of this Regulation, “form of energy” means electric power, natural gas and the various fuel types consisting of gasoline, diesel fuel, light heating oil, heavy heating oil and propane.

2. The energy distributors’ financial investment toward carrying out the energy transition, innovation and efficiency master plan, as provided for in subparagraph 7 of the first paragraph of section 10 of the Act respecting Energy Transition Québec (chapter T-11.02), forms the basis for the calculation of the annual contribution payable by energy distributors to Energy Transition Québec.

The energy distributors’ financial investment is adjusted to take into account, if applicable, revisions to the master plan pursuant to sections 9, 13 and 14 of the Act respecting Energy Transition Québec (chapter T-11.02).

At the expiry of the five years of the master plan, the calculation of the contribution associated with the subsequent master plan is adjusted to take into account any amount by which the revenue from the contribution exceeds the specified expenditure associated with the contribution in the last master plan.

3. A rate is fixed annually for each form of energy. The rate applicable for a form of energy is the quotient obtained by dividing one fifth of the financial energy distributors’ financial investment for that form of energy, as determined under subparagraph 7 of the first paragraph of section 10 of the Act respecting Energy Transition Québec (chapter T-11.02), by the sum of the volumes determined under section 4 that are attributable to all the distributors of that form of energy.

4. The volume of energy attributable to an energy distributor is determined by the Régie de l’énergie taking into account the information obtained from that distributor for its fiscal year preceding the fiscal year for which the annual contribution is calculated.

When an energy distributor ceases its activities, the amount of its annual contribution payable to Energy Transition Québec is adjusted to take into account the period during which the distributor was subject to payment of the contribution.

The volume of electric power attributable to an energy distributor having entered into a service agreement with the electric power distributor delegating to it the management of its programs and actions promoting energy efficiency and new energy technologies is nil.

The volume of electric power distributed by the electric power distributor to an energy distributor that has not entered into the agreement referred to in the third paragraph is not attributable to the electric power distributor. In such a case, the volume of electric power attributable to the energy distributor is determined by the Régie taking into account the information obtained from the energy distributor for the fiscal year preceding the fiscal year for which the annual contribution is calculated.

The volume of energy distributed that is attributable to a fuel distributor is converted into megajoules according to the following table:

CONVERSION TABLE
(in megajoules per litre)
Fuel types

Gasoline	Diesel fuel	Light heating oil	Heavy heating oil	Propane
35,00	38,30	38,30	42,50	25,31

The fuel sold in Québec is presumed to be intended for consumption in Québec unless the fuel distributor shows otherwise by providing the Régie with the form “Attestation – Fuel intended for consumption outside Québec”, duly signed by the client to which the volumes of fuel were sold during the fiscal year for which the distributor is filing a statement.

The attestation form must be the form provided by the Régie as part of the form “Statement by fuel distributors” and must be used once only, for a single distributor and a single client. The distributor filing the statement cannot amend the client’s attestation without authorization from the person who signed it.

In determining the volume of energy attributable to a fuel distributor, the Régie takes into account the statements filed by the distributors pursuant to section 85.44 of the Act respecting the Régie de l’énergie (chapter R-6.01).

5. The annual contribution payable under section 49 of the Act respecting Transition Énergétique Québec (chapter T-11.02), for each fiscal year of Energy Transition Québec, is payable in 4 quarterly payments on 30 June, 30 September, 31 December and 31 March.

The amount of the last quarterly instalment payable continues to apply for each quarter of the subsequent fiscal year up to the quarter during which a new notice of payment for the contribution is sent for that fiscal year. Any overpayment or underpayment of the contribution payable to Energy Transition Québec for that fiscal year is apportioned equally over the remaining quarterly instalments.

6. Any variation the Régie establishes in the volume attributable to an energy distributor after the annual determination of the applicable rate will be the subject of a new notice of payment indicating the revised amount of the annual contribution payable by the distributor. The notice is sent at the latest with the notice of payment for the subsequent fiscal year.

7. Any balance unpaid by the energy distributor on the due date bears interest at the rate determined pursuant to section 28 of the Tax Administration Act (chapter A-6.002). The interest is capitalized monthly.

In addition to the interest payable, a penalty of 15% is added to any sum owing if the delay exceeds 60 days. In no case may the amount of the penalty exceed 15% of the amount that should have been paid.

8. The provisions of the Regulation respecting the annual contribution payable to Energy Transition Québec (chapter R-6.01, r. 5) continue to have effect to the extent that they are necessary for the determination of an annual contribution payable prior to the fiscal year ending on 31 March 2018.

9. This Regulation replaces the Regulation respecting the annual contribution payable to Energy Transition Québec (chapter R-6.01, r. 5).

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

103667

Gouvernement du Québec

O.C. 1159-2018, 15 August 2018

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

Wine producer's permit

— Use of raw materials by holders of a small-scale
— Amendment

Regulation to amend the Regulation respecting use of raw materials by holders of a small-scale wine producer's permit

WHEREAS, under section 37 of the Act respecting the Société des alcools du Québec (chapter S-13), the Government, upon the recommendation of the Minister

of Finance and the Minister of Public Security, may, in particular, make regulations determining the conditions or modalities of purchase, making, bottling, keeping, handling, storing, sale or shipping of alcoholic beverages and determining the composition and alcoholic content of alcoholic beverages and the standards of quality they are required to meet;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting use of raw materials by holders of a small-scale wine producer's permit was published in Part 2 of the *Gazette officielle du Québec* of 23 May 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance and the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting use of raw materials by holders of a small-scale wine producer's permit, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting use of raw materials by holders of a small-scale wine producer's permit

An Act respecting the Société des alcools du Québec (chapter S-13, s. 37)

1. The Regulation respecting use of raw materials by holders of a small-scale wine producer's permit (chapter S-13, r. 6.2) is amended by replacing section 1 by the following:

“1. Holders of a small-scale wine producer's permit must, to make their products, use as raw materials at least 50% of their own fresh grapes or its equivalent in juice from their total production.

They may also use no more than 50% of fresh grapes or its equivalent in juice produced by another Québec farm producer, whether or not the farm producer is a small-scale production permit holder.”.

2. The following section is added:

“**2.** Holders of a small-scale wine producer’s permit are also authorized to use, in making their products, raw materials from outside Québec. The composition of each product must comply with the following proportions:

(1) at least 50% of their own fresh grapes or its equivalent in juice;

(2) no more than 15% of fresh grapes or its equivalent in juice or grape must concentrate that may come from outside Québec; and

(3) the remainder may consist of fresh grapes or its equivalent in juice produced by another Québec farm producer, whether or not the farm producer is a small-scale production permit holder.

However, from the vintage year 2022, permit holders must make their products from fresh grapes or its equivalent in juice that are 100% Québec grown, in accordance with section 1 of this Regulation.”

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

103668

Gouvernement du Québec

O.C. 1162-2018, 15 August 2018

An Act respecting legal aid and the provision of certain other legal services (chapter A-14)

**Legal aid
— Amendment**

WHEREAS, under subparagraphs *h* and *s* of the first paragraph and the third paragraph of section 80 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), the Government may make a regulation in particular to determine the tenor of the undertakings to be made by applicants and to determine, for the purposes of the recovery of legal aid costs, in what cases and to what extent a person is required to repay such costs;

WHEREAS the Government made the Regulation respecting legal aid (chapter A-14, r. 2);

WHEREAS it is expedient to amend the Regulation;

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

WHEREAS it is expedient to make that Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting legal aid, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting legal aid

An Act respecting legal aid and the provision of certain other legal services (chapter A-14, s. 80, 1st par., subpars. *h* and *s*, and 3rd par.)

1. The Regulation respecting legal aid (chapter A-14, r. 2) is amended in section 33 by striking out subparagraph 2.2 of the first paragraph.

2. Section 38 is amended by striking out the last paragraph.

3. Section 38.1 is amended by replacing “the fourth and fifth paragraphs” by “the fourth paragraph”.

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

103669

Gouvernement du Québec

O.C. 1163-2018, 15 August 2018

An Act respecting legal aid and the provision of certain other legal services
(chapter A-14)

Legal aid

— Amendment

WHEREAS, under subparagraph *a.8* of the first paragraph and the third paragraph of section 80 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), the Government may make a regulation to adjust the rules governing financial eligibility for gratuitous legal aid or for contributory legal aid in respect of persons residing in remote regions and, for such purpose, fix the minimum period of residence in a remote region and determine what a remote region is;

WHEREAS the Government made the Regulation respecting legal aid (chapter A-14, r. 2);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting legal aid was published in Part 2 of the *Gazette officielle du Québec* of 23 May 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice :

THAT the Regulation to amend the Regulation respecting legal aid, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting legal aid

An Act respecting legal aid and the provision of certain other legal services
(chapter A-14, s. 80, 1st par., subpars. *a.8* and 3rd pars.)

1. The Regulation respecting legal aid (chapter A-14, r. 2) is amended in section 24 by adding “, that is, in the urban agglomeration of Îles-de-la-Madeleine” after “d’Anticosti” in the second paragraph.

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

103670

Gouvernement du Québec

O.C. 1164-2018, 15 August 2018

Professional Code
(chapter C-26)

Athletic therapist

— Certain professional activities that may be engaged in by an athletic therapist

— Amendment

Regulation to amend the Regulation respecting certain professional activities that may be engaged in by an athletic therapist

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with paragraph *h* of section 94 of the Professional Code, the board of directors of the Collège des médecins du Québec consulted the Ordre des ergothérapeutes du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel de la physiothérapie du Québec and the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec before the making of the Regulation to amend the Regulation respecting certain professional activities that may be engaged in by an athletic therapist on 9 December 2016;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certain professional

activities that may be engaged in by an athletic therapist was published in Part 2 of the *Gazette officielle du Québec* of 17 January 2018 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 21 June 2018 and submitted to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting certain professional activities that may be engaged in by an athletic therapist, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certain professional activities that may be engaged in by an athletic therapist

Professional Code
(chapter C-26, s. 94, par. h)

1. The Regulation respecting certain professional activities that may be engaged in by an athletic therapist (chapter M-9, r. 11.1) is amended in section 2 by replacing subparagraph *a* of paragraph 2 by the following:

“(a) holds one of the following diplomas:

i. a Bachelor of Science (B.Sc.) issued upon completion of the Bachelor of Science Specialization in Exercise Science – Athletic Therapy Option from Concordia University;

ii. the Diplôme d’études supérieures spécialisées (D.E.S.S.) issued upon completion of the Programme de diplôme d’études supérieures spécialisées en thérapie du sport from the Université du Québec à Trois-Rivières;”

2. Section 5 is amended by replacing “the diploma referred to” by “one of the diplomas referred to”.

3. Section 6 is amended by replacing “2020” by “2023”.

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

103671

Gouvernement du Québec

O.C. 1165-2018, 15 August 2018

Chartered Professional Accountants Act
(chapter C-48.1)

Public accountancy permit of the Ordre des comptables professionnels agréés du Québec — Amendment

Regulation to amend the Regulation respecting the public accountancy permit of the Ordre des comptables professionnels agréés du Québec

WHEREAS, under subparagraph 2 of the second paragraph of section 5 of the Chartered Professional Accountants Act (chapter C-48.1), the board of directors of the Ordre des comptables professionnels agréés du Québec must, in a regulation, set in particular the terms and conditions for the issue of a public accountancy permit to give effect to an agreement entered into by the Order under an agreement for mutual recognition of professional competence entered into between the Government and another government;

WHEREAS, under the first paragraph of section 6 of the Act, the board of directors of the order must determine, in a regulation, the terms and conditions for holding a public accountancy permit;

WHEREAS the board of directors of the Ordre des comptables professionnels agréés du Québec made the Regulation to amend the Regulation respecting the public accountancy permit of the Ordre des comptables professionnels agréés du Québec on 23 February 2018;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26) and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the public accountancy permit of the Ordre des comptables professionnels agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 11 April 2018 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 21 June 2018 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting the public accountancy permit of the Ordre des comptables professionnels agréés du Québec, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the public accountancy permit of the Ordre des comptables professionnels agréés du Québec

Chartered Professional Accountants Act
(chapter C-48.1, s. 5, 2nd par., subpar. 2, and s. 6, 1st par.)

1. The Regulation respecting the public accountancy permit of the Ordre des comptables professionnels agréés du Québec (chapter C-48.1, r. 26.1) is amended by inserting the following after section 24:

“DIVISION VI.1 PROVISIONS GIVING EFFECT TO THE ARRANGEMENT ENTERED INTO BY THE ORDER UNDER THE AGREEMENT BETWEEN QUÉBEC AND FRANCE REGARDING MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

24.1. To obtain a public accountancy permit, the applicant shall meet the following conditions:

(1) has obtained, in the 5 years preceding the application, a chartered professional accountant’s permit under the Règlement sur la délivrance d’un permis de l’Ordre

des comptables professionnels agréés du Québec pour donner effet à l’arrangement conclu par l’Ordre en vertu de l’Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (*insert the reference*);

(2) has accumulated, in the last 5 years, during the applicant’s training period and professional experience in France, at least 1,250 hours in assurance, including at least 625 hours in audit or, where applicable, has accumulated the missing hours in Québec by an adaptation period with a chartered professional accountant training employer who holds a public accountancy permit recognized by the Order;

(3) has successfully completed training offered by the Ordre des comptables professionnels agréés du Québec or by an entity accredited by the Order for at least 14 hours on accounting standards for private enterprises;

(4) has successfully completed training offered by the Ordre des comptables professionnels agréés du Québec or by an entity accredited by the Order for at least 14 hours on Canadian auditing standards.

24.2. The applicant shall fill out and submit to the Order the form provided by the Order and attach to it

(1) a certificate of compliance of the Ordre des experts-comptables de France, completed by the applicant and the Ordre des experts-comptables de France on the form provided by the Ordre des comptables professionnels agréés du Québec, which specifies the number and description of training hours or professional experience in assurance and audit that the applicant completed in France;

(2) if applicable, a form of professional experience certification provided by the Order that the applicant has filled out by the applicant’s former employers, which specifies the number and description of hours of professional experience in assurance and audit completed in Québec;

(3) the certifications indicating that the applicant has successfully completed the training periods required under paragraphs 3 and 4 of section 24.1; and

(4) the payment of the fees for file examination and for opening a file, required under paragraph 8 of section 86.0.1 of the Professional Code (chapter C-26).

The Ordre des comptables professionnels agréés du Québec acknowledges receipt of the permit application within 30 days following the date of receipt and, where applicable, informs the applicant of any missing document. The applicant has 3 years following his application

to send the certifications provided for in subparagraph 3 of the first paragraph and, where applicable, the certification form provided for in subparagraph 2 of the first paragraph.

24.3. The Order's committee, formed for that purpose, decides if the applicant meets the conditions provided for in section 24.1 within 60 days following the date on which the committee receives each of the documents required under section 24.2.

Where the committee refuses to recognize that one of the conditions is fulfilled, it shall, on the same occasion, inform the applicant in writing of the programs of study, courses, training periods and examinations which, if successfully completed, within the allotted time, would enable the applicant to obtain the public accountancy permit. The committee shall also advise the applicant of the right to apply for review of the decision in accordance with section 24.4.

24.4. The applicant who is informed of the committee's decision to refuse to recognize that one of the conditions provided for in section 24.1 is fulfilled may apply for review to the Order's executive committee. The applicant shall apply thereto in writing with the Order within 30 days of the date of receipt of that decision and pay the fees payable.

The executive committee has 75 days from the date it receives the application for review to render its decision. The secretary informs the applicant of the date of the sitting at which the application will be reviewed at least 15 days before that date. The committee informs the applicant that it may send written representations at any time before the date scheduled for the sitting.

The decision of the executive committee is final and shall be communicated to the applicant within 15 days of the date on which the decision was made."

2. The permit obtained by an applicant in the 5 years preceding the application, pursuant to the Règlement sur la délivrance du permis de l'Ordre des comptables généraux accrédités du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter C-48.1, r. 14) may replace the permit referred to in paragraph 1 of section 24.1 of the Regulation respecting the public accountancy permit of the Ordre des comptables professionnels agréés du Québec (chapter C-48.1, r. 26.1).

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

Gouvernement du Québec

O.C. 1166-2018, 15 August 2018

Professional Code
(chapter C-26)

**Specialist's certificates of professional orders
—Diplomas issued by designated educational
institutions which give access to permits
or specialist's certificates of professional orders
—Amendment**

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the fourth paragraph of section 12 of the Code, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, in accordance with subparagraph 7 of the fourth paragraph of section 12 of the Professional Code, the Office advised the Government, after consultation, in particular, with the educational institutions and the order concerned, the Bureau de coopération interuniversitaire, the Fédération des cégeps and the Minister responsible for Higher Education;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 28 March 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Government obtained the advice of the Office and of the Ordre des infirmières et infirmiers du Québec;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended by replacing subparagraphs 1 to 5 of the second paragraph of section 1.17 by the following:

“(1) specialist's certificate, nurse practitioner specialized in neonatology: Master of Science, Applied (M.Sc.A.) in Nursing (Non-Thesis): Neonatology Nurse Practitioner held with the Graduate Diploma in Neonatal Nurse Practitioner or Graduate Certificate in Theory in Neonatology held with the Graduate Diploma in Neonatal Nurse Practitioner from McGill University;

(2) specialist's certificate, nurse practitioner specialized in adult care:

(a) *Maîtrise en sciences infirmières (M.Sc.) en soins à la clientèle adulte* held with the *Diplôme d'études supérieures spécialisées (D.E.S.S.) en sciences infirmières, pratique spécialisée en soins aux adultes* from Université Laval;

(b) *Maîtrise en sciences infirmières (M.Sc.), option Pratique infirmière avancée* held with the *Diplôme complémentaire de pratique infirmière avancée, option Soins aux adultes* from the Université de Montréal;

(3) specialist's certificate, nurse practitioner specialized in pediatric care:

(a) *Diplôme d'études supérieures spécialisées (D.E.S.S.) en sciences infirmières (infirmière praticienne spécialisée en soins pédiatriques)* held with the *Maîtrise en sciences infirmières (M.Sc.) (infirmière praticienne spécialisée en soins pédiatriques)*, awarded by the Université

du Québec, obtained upon completion of a program offered by the Université du Québec en Abitibi-Témiscamingue or the Université du Québec en Outaouais;

(b) Master of Science, Applied (M.Sc.A.) in Nursing (Non-Thesis): Pediatric Nurse Practitioner held with the Graduate Diploma in Pediatric Nurse Practitioner or Graduate Certificate in Theory in Pediatrics held with the Graduate Diploma in Pediatric Nurse Practitioner from McGill University;

(4) specialist's certificate, nurse practitioner specialized in primary care:

(a) *Maîtrise en sciences infirmières (M.Sc.) en soins de première ligne* held with the *Diplôme d'études supérieures spécialisées (D.E.S.S.) en sciences infirmières en pratique spécialisée en soins de première ligne* from Université Laval;

(b) Master of Science, Applied (M.Sc.A.) in Nursing (Non-Thesis): Primary Care Nurse Practitioner held with the Graduate Diploma in Primary Care Nurse Practitioner or Graduate Certificate in Theory in Primary Care held with the Graduate Diploma in Primary Care Nurse Practitioner from McGill University;

(c) *Maîtrise en sciences infirmières (M.Sc.), option Pratique infirmière avancée* held with the *Diplôme complémentaire de pratique infirmière avancée, option Soins de première ligne* from the Université de Montréal;

(d) *Maîtrise en sciences infirmières (M.Sc.), cheminement menant aux études spécialisées en soins de première ligne* held with the *Diplôme d'études supérieures spécialisées (D.E.S.S.) de 2^e cycle en soins de première ligne* from the Université de Sherbrooke;

(e) *Diplôme d'études supérieures spécialisées (D.E.S.S.) en sciences infirmières (infirmière praticienne spécialisée en soins de première ligne)* held with the *Maîtrise en sciences infirmières (M.Sc.) (nurse practitioner specialized in primary care)* awarded by the Université du Québec, obtained upon completion of a program offered by the Université du Québec à Chicoutimi, the Université du Québec à Trois-Rivières, the Université du Québec en Abitibi-Témiscamingue or the Université du Québec en Outaouais;

(5) specialist's certificate, nurse practitioner specialized in mental health:

(a) *Maîtrise en sciences infirmières (M.Sc.), option Pratique infirmière avancée* held with the *Diplôme complémentaire de pratique infirmière avancée, option Soins en santé mentale* from the Université de Montréal;

(b) Diplôme d'études supérieures spécialisées (D.E.S.S.) en sciences infirmières (infirmière praticienne spécialisée en santé mentale) held with the Maîtrise en sciences infirmières (M.Sc.) (infirmière praticienne spécialisée en santé mentale) awarded by the Université du Québec, obtained upon completion of a program offered by the Université du Québec à Chicoutimi, the Université du Québec à Rimouski, the Université du Québec à Trois-Rivières, the Université du Québec en Abitibi-Témiscamingue or the Université du Québec en Outaouais;

(c) Master of Science, Applied (M.Sc.A.) in Nursing (Non-Thesis): Mental Health Nurse Practitioner held with the Graduate Diploma in Mental Health Nurse Practitioner or the Graduate Certificate in Theory in Mental Health held with the Graduate Diploma in Mental Health Nurse Practitioner from McGill University;

(6) specialist's certificate, clinical nurse specialized in infection prevention and control:

(a) Diplôme d'études supérieures spécialisées (D.E.S.S.) de 2^e cycle en prévention et contrôle des infections from the Université de Sherbrooke;

(b) Diplôme d'études supérieures spécialisées (D.E.S.S.) en prévention et contrôle des infections from the Université de Montréal."

2. Subparagraphs 1 and 3 of the second paragraph of section 1.17, amended by section 1 of this Regulation, remain applicable to persons who, on 8 March 2018, hold the diplomas referred to in the amended paragraphs or are registered in a program leading to one of those diplomas.

3. Subparagraphs 2, 4 and 5 of the second paragraph of section 1.17, amended by section 1 of this Regulation, remain applicable to persons who, on 13 September 2018, hold the diplomas referred to in the amended paragraphs or are registered in a program leading to one of those diplomas.

4. This Regulation comes into force on 13 September 2018.

103673

Gouvernement du Québec

O.C. 1167-2018, 15 August 2018

Medical Act
(chapter M-9)

Certain professional activities that may be engaged in by dietitians

Regulation respecting certain professional activities that may be engaged in by dietitians

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

WHEREAS, in accordance with the second paragraph of section 19 of the Act, the board of directors of the Collège des médecins du Québec consulted the Office des professions du Québec, the Ordre des dentistes du Québec, the Ordre des ergothérapeutes du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des orthophonistes et audiologistes du Québec, the Ordre professionnel des diététistes du Québec, the Ordre professionnel des inhalothérapeutes du Québec, the Ordre des pharmaciens du Québec, the Ordre des technologistes médicaux du Québec and the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec before adopting the Regulation respecting certain professional activities that may be engaged in by dietitians on 1 April 2016;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting certain professional activities that may be engaged in by dietitians was published in Part 2 of the *Gazette officielle du Québec* of 29 June 2016 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 21 June 2018 and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting certain professional activities that may be engaged in by dietitians, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting certain professional activities that may be engaged in by dietitians

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

DIVISION I PURPOSE

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that, under certain prescribed terms and conditions, may be engaged in by dietitians.

DIVISION II AUTHORIZED ACTIVITIES

2. Dietitians may, where a prescription indicates that nutrition is a determining factor in the treatment of an illness, as part of the determination of the nutritional treatment plan, prescribe

(1) nutritional formulas, vitamins and minerals to ensure the nutritional needs are met;

(2) enteral feeding material necessary in the nutritional treatment plan; and

(3) the pancreatic enzyme solution used to restore the functionality of a feeding tube.

Dietitians engage in the activities provided for in the first paragraph in accordance with the provisions applicable to individual prescriptions provided for in the Règlement sur les normes relatives aux ordonnances faites par un médecin (chapter M-9, r. 25.1).

3. Dietitians may administer, according to a prescription, medications or other substances, orally or enterally, as part of the determination of the nutritional treatment plan and during the monitoring of the nutritional status of persons whose nutritional treatment plan has been determined.

4. Before prescribing nutritional formulas, vitamins and minerals or administering a prescribed medication, dietitians must

(1) ensure that there are no contra-indications or drug interactions; and

(2) ensure to obtain the medical assessment of the patient's state of health.

5. Dietitians must enter in the patient's record the nutritional formula, vitamins and minerals, enteral feeding material or pancreatic enzyme solution prescribed and the reasons for which they are prescribed or for which the dosage is changed. They must also enter the name of the prescribed medications they administer.

Dietitians must also enter in the record the follow-up required following their interventions.

6. Dietitians must communicate, to the attending physician or professionals concerned who are responsible for the follow-up of the patient's condition, the name of the nutritional formulas, vitamins and minerals and the pancreatic enzyme solution they prescribed.

In the absence of an attending physician, dietitians must establish, before their interventions, the follow-up and management of the patient.

7. Dietitians may permanently remove a feeding tube under a prescription.

DIVISION III TRAINING

8. To engage in the activities referred to in this Regulation, dietitians must, as the case may be, meet the following conditions:

(1) for the purpose of prescribing the nutritional formulas, vitamins and minerals referred to in section 2, hold an attestation issued by the Ordre professionnel des diététistes du Québec according to which they have successfully completed 15 hours of theoretical training on

(a) indications for the prevention and treatment of conditions that require nutritional formulas, vitamins and minerals;

(b) drug and nutritional interactions and contra-indications;

(c) dietary reference intakes (DRIs) and tolerable upper intake levels (UL) of vitamins and minerals; and

(d) the standards for writing a prescription;

(2) for the purposes of the permanent removal of the feeding tube referred to in section 7, hold an attestation issued by the Ordre professionnel des diététistes du Québec according to which they have successfully completed 15 hours of training on

(a) theoretical training on

i. the types of tubes, sterile material and removal methods;

ii. the immediate contra-indications for removing a tube;

iii. the interventions and follow-up required after the removal of the tube, including referral to another professional where required;

iv. the potential complications associated with the removal of a tube and the associated signs and symptoms;

(b) practical training on

i. tube removal methods;

ii. hygiene and application of a clean method;

iii. monitoring and identification of signs and symptoms of potential complications;

(3) where dietitians do not practise in the clinical nutrition sector or have not acquired competence in that sector of activity, they must take refresher training whose content and number of hours are determined by the Ordre professionnel des diététistes du Québec.

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

103674

Gouvernement du Québec

O.C. 1168-2018, 15 August 2018

Professional Code
(chapter C-26)

**Professional order's board of directors
— Standards of ethics and professional conduct of
directors on a professional order's board of directors**

Regulation respecting the standards of ethics and professional conduct of directors on a professional order's board of directors

WHEREAS, under subparagraph *b* of subparagraph 6 of the fourth paragraph of section 12 of the Professional Code (chapter C-26), the Office des professions du Québec must determine, by regulation and after consultation with the Interprofessional Council, the standards governing the preparation and content of the annual report of an order;

WHEREAS, under the first paragraph of section 12.0.1 of the Code, the Office des professions du Québec must determine, by regulation and after consultation with the Québec Interprofessional Council, the standards of ethics and professional conduct applicable to directors on a professional order's board of directors;

WHEREAS the Office has carried out the required consultation;

WHEREAS the Office made the Regulation respecting the standards of ethics and professional conduct of directors on the board of directors of a professional order on 23 February 2018;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the standards of ethics and professional conduct of directors on the board of directors of a professional order was published in Part 2 of the *Gazette officielle du Québec* of 14 March 2018 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code, every regulation adopted by the Office under the Code or an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting the standards of ethics and professional conduct of directors on the board of directors of a professional order, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the standards of ethics and professional conduct of directors on the board of directors of a professional order

Professional Code
(chapter C-26, s. 12, 4th par., subpar. 6, subpar. b, and s. 12.0.1)

CHAPTER I PURPOSE AND SCOPE

1. The purpose of this Regulation is to preserve and enhance the confidence of the public and the members of professional orders in the management of the orders, to promote transparency within the orders, to make the members of their board of directors aware of their responsibilities regarding ethics and professional conduct and to raise the awareness of the senior management of the order about those issues.

2. The standards of ethics and professional conduct determined in this Regulation are applicable to the directors on the board of directors of an order, whether they are elected by members or appointed by the Office des professions du Québec in accordance with the Professional Code (chapter C-26).

The standards apply in particular where the director performs his or her duties within the board of directors or with any committee created by the board of directors.

CHAPTER II ETHICS AND INTEGRITY

3. A director must, in the performance of his or her duties and in determining the standards of ethics applicable to the director, take into consideration the following values and principles embraced by the director:

(1) the primacy of the order's mission to ensure public protection and the director's commitment to contribute to the carrying out of that mission;

(2) rigour, effectiveness, fairness and transparency in the management of the order;

(3) the commitment to maintain the confidence of the public, members of the order and various participants of the professional system towards mechanisms of public protection;

(4) respect towards the public, members of the order, other directors and employees of the order;

(5) gender equality, recognition and inclusion of ethnocultural diversity and intergenerational equity, including the contribution of members 35 years of age or under.

CHAPTER III DUTIES AND OBLIGATIONS

DIVISION I GENERAL

4. A director acts with honesty, integrity, rigour, objectivity and moderation. A director must act with probity.

A director performs his or her duties with competence. To that end, a director develops and maintains his or her knowledge on the role of a professional order's board of directors in particular as regards such matters as governance and ethics, gender equality as well as ethnocultural diversity management.

A director performs his or her duties in good faith, with prudence and diligence and shows loyalty towards the order.

A director acts in the interest of the order, in particular so that the latter may guide his or her actions and direct his or her activities towards protecting the public. The director may not, in any case, favour his or her personal interest, the special interest of members of an electoral region or in a sector of professional activities that elected the director.

5. In the performance of his or her duties, a director is bound to comply with the ethical principles and the rules of professional conduct prescribed by this Regulation and by the code of ethics and professional conduct established by the board of directors under Chapter IV. In case of discrepancy, the more stringent principles and rules apply.

6. A director must know and understand the standards of ethics and professional conduct that apply to him or her, undertake to comply with them and to promote compliance with them. An administrator must, at the beginning of his or her term of office and once a year thereafter, sign a declaration to that effect.

The president of the order ensures that the secretary of the order collects and records the declaration of the director.

DIVISION II SITTINGS

7. A director is required to be present, unless he or she has a valid excuse, at the sittings of the board of directors or of a committee, to be prepared for it and to take an active part in it. The director contributes to the progress of the work of the order by providing a constructive contribution to the deliberations.

8. A director must address any issue with an open mind.

9. A director must debate any issue in an objective and independent manner as well as in a clear and informed manner.

10. A director must act with courtesy and respect so as to encourage mutual trust and cohesive action within the board of directors or a committee of which the director is a member.

11. A director is in solidarity with the decisions made by the board of directors.

12. A director is required to vote, except if there is an impediment determined by the board of directors or a ground considered sufficient by the president of the order or, where the president is concerned, by the director designated to perform the duties of the president in the case of an impediment or absence of the latter.

DIVISION III CONFLICT OF INTEREST

13. A director must refrain from placing himself or herself in a situation entailing a conflict between the interest of the order or the public and his or her personal interest or that of a person related to the director, such as the director's spouse, a blood relative, a person living under the same roof or a partner or a legal person that the director manages or controls.

A director preserves at all times his or her ability to perform duties impartially, objectively and independently.

14. Except for the goods and services offered by the order to its members, no director may enter into a contract with the order, except with an authorization of the board of directors warranted, in particular, by a special competence necessary to the order.

15. A director who has a direct or indirect interest in property, a body, an enterprise, association or a legal entity likely to place the director in a situation of conflict of interest must declare, without delay and in writing, that interest to the president of the order or, where the president is concerned, to the director designated to perform the duties of the president in the case of an impediment or absence of the latter. Such a declaration may be made at the sitting and is then recorded in the minutes of the sitting of the board of directors.

The director must refrain from taking part in any deliberation or any decision that comes into conflict with his or her personal interest.

A director must file a declaration of interest at the beginning of his or her term of office and on an annual basis thereafter, and when a change in his or her situation requires it.

The president of the order ensures that the secretary of the order collects and records the declaration of the director.

16. A director may not give any undertaking to third parties nor grant them any guarantee with regard to a vote that the director may be called upon to make or a decision that the board of directors may be called upon to make.

17. A director may not treat the property of the order as if it were his or her own and may not use it for his or her own benefit or for the benefit of a third party, unless an authorization from the board of directors is obtained.

18. A director may not, directly or indirectly, grant, solicit or accept a favour, gift, hospitality or other advantage offered or given because of the director's duties, except what is customary and of modest value.

DIVISION IV CONFIDENTIALITY AND DISCRETION

19. A director is bound to discretion in regard to anything that comes to his or her knowledge in the performance of duties and is at all times bound to maintain the confidentiality of discussions and documents at the director's disposal or that have come to his or her knowledge.

A director must take reasonable security measures to preserve the confidentiality of information obtained in the performance of his or her duties.

20. A director must, except to the extent determined by the board of directors, refrain from commenting the decisions made by the board of directors, in particular on a website, blog or social network.

21. A director may not use for his or her own benefit or for the benefit of a third party information obtained in the performance of his or her duties.

DIVISION V RELATIONS WITH EMPLOYEES OF THE ORDER

22. A director must act with courtesy and respect in his or her relations with employees of the order.

A director may not contact an employee of the order to give him or her instructions, interfere in the employee's work or obtain confidential information, unless the director is acting within the mandate of a committee of which he or she is the president and is expressly authorized by the board of directors to do so.

The second paragraph does not prevent the president of the order from exercising a function provided for in the Professional Code (chapter C-26) or, where applicable, in the Act constituting the order, or requiring information to the extent provided for in the fourth paragraph of section 80 of the Code.

DIVISION VI POST-TERM RULES

23. Upon completion of his or her term, a former director may not disclose confidential information obtained in the performance of his or her duties as director or use for his or her own benefit or for the benefit of a third party information not available to the public obtained in the same conditions.

24. A former director must refrain from commenting the decisions made by the board of directors during his or her term of office, in particular on a website, blog or social network, unless the director is expressly authorized by the board of directors to do so, and must demonstrate reserve regarding his or her comments.

25. A former director must conduct himself or herself in such a manner as not to derive undue advantages from his or her duties within the order.

26. A former director may not enter into a contract with the order in the 12 months following the end of his or her term of office, except under the conditions provided for in section 14.

DIVISION VII REMUNERATION

27. A director is entitled, for the performance of his or her duties, solely to the remuneration determined in accordance with the Professional Code (chapter C-26).

28. An appointed director may receive additional remuneration from the order, which reports it in its annual report.

The additional remuneration may not exceed the difference between the allowance paid by the Office and the allowance received by a director elected by the members of the order.

CHAPTER IV CODE OF ETHICS AND PROFESSIONAL CONDUCT

29. The board of directors must establish, in compliance with the standards made by this Regulation, a code of ethics and professional conduct applicable to its directors.

30. The code establishes the ethical and professional conduct standards which reflects the order's mission, the values underlying its operations and its general principles of sound management and specificities of the profession.

The standards of ethics pertain to the duties and obligations of directors of the order. The standards explain and illustrate those duties and obligations in a concrete manner. They must in particular cover

(1) preventive measures, specifically, rules concerning the declaration of interests made by directors; and

(2) real and potential situations of conflict of interest.

CHAPTER V CONTROL

31. The president of the order sees that the directors comply with the standards of ethics and professional conduct applicable to them.

32. A committee of inquiry in ethics and professional conduct is formed within the order for the purpose of examining and inquiring into any information received relatively to a violation of the standards of ethics and professional conduct by a director.

The committee is composed of 3 members appointed by the board of directors:

(1) a person whose name appears on a list from which the directors are appointed by the Office, in accordance with the Professional Code (chapter C-26), and who is not a director of the order;

(2) a former director of the order or another person referred to in subparagraph 1; and

(3) a member of the order having notable experience and expertise in, sensitivity to and interest for matters of ethics and professional conduct and who is not a director of the order or an employee of the order or a person related to them.

The committee may designate experts to assist the committee.

The duration of the term of office of the members of the committee is determined by the board of directors. On the expiry of their term of office, they remain in office until they are replaced or reappointed.

The remuneration and reimbursement of the expenses of members of the committee are determined by the board of directors of the order, except for the members appointed from the list referred to in subparagraph 1 of the second paragraph. Those members are entitled, at the Office's expense, to an attendance allowance and to the reimbursement of their expenses to the same extent and under the same conditions as those determined by the Government pursuant to the fifth paragraph of section 78 of the Professional Code (chapter C-26).

The committee adopts an internal by-law that the order makes available to the public, in particular on its website, and publishes it in its annual report.

33. The director must disclose without delay to the committee any violation of the standards of ethics and professional conduct applicable to the directors that has come to his or her knowledge or of which the director suspects the existence.

34. The committee receives the disclosure from any person who becomes aware that a director has violated the standards of ethics and professional conduct applicable to the director.

35. The committee may, upon summary examination, dismiss any disclosure if, in the committee's opinion, it is abusive, frivolous or clearly unfounded.

The committee so informs the informant and the member of the board of directors covered by the disclosure.

36. The committee conducts the inquiry in such manner as to preserve its confidentiality, diligently and in keeping with the duty to act fairly. It must allow the director to submit observations after the director has been informed of the violations of which the director is accused.

Each member of the committee takes the oath contained in Schedule II to the Professional Code (chapter C-26).

37. Where the committee comes to the conclusion that the director under inquiry has not violated the standards of ethics and professional conduct applicable to the director, the committee so informs the informant and the director.

Where the committee comes to the conclusion that the director under inquiry has violated the standards of ethics and professional conduct applicable to the director, the committee sends without delay a written report to the board of directors containing a summary of the inquiry and a substantiated recommendation for penalty and the entire record and documents.

Those documents are confidential and a copy is sent to the director under inquiry, in such a manner as to protect the identity of the informant.

38. The board of directors meets, without delay and *in camera*, to decide, by a two-thirds vote of its members, whether the director under inquiry has violated a standard of ethics or professional conduct and determines, where applicable, the appropriate penalty. The director may not take part in the deliberations or decision.

A director may, however, submit his or her observations to the board of directors and be heard on the facts in support of his or her claims, before the decision of the board of directors is taken.

39. Depending on the nature, gravity and persistence of the violation or misconduct, one or more of the following penalties may be imposed on the director: a reprimand, a suspension with or without remuneration or dismissal.

A director may also be compelled to reimburse or remit to the order, donor or charity that is not related to the order, any sum of money or any gift, hospitality or other advantage received in contravention of the standards of ethics and professional conduct applicable to the director.

40. A director is informed, without delay and in writing, of the substantiated and final decision of the board of directors and, where applicable, of the grounds in support of the penalty imposed on him or her. The board of directors so informs the informant in writing.

The board of directors informs the Office of any penalty imposed on an appointed director.

CHAPTER VI PROVISIONAL SUSPENSION

41. A director against whom proceedings concerning an act involving collusion, corruption, malfeasance, breach of trust or influence peddling and any proceedings concerning improper gestures or remarks of a sexual nature are instituted or a director prosecuted for an offence punishable by a term of imprisonment of 5 years or more must, within 10 days from the day on which the director is so informed, notify the secretary of the order.

The secretary sends without delay that information to the committee of inquiry in ethics and professional conduct.

42. On the recommendation of the committee, a director accused of a violation of the standards of ethics or professional conduct applicable to the director may be temporarily relieved of his or her duties, with or without remuneration, by the board of directors, in an urgent situation requiring rapid action or in a presumed case of serious misconduct.

On the recommendation of the committee, a director against whom proceedings concerning an act involving collusion, corruption, malfeasance, breach of trust or influence peddling or proceedings concerning improper gestures or remarks of a sexual nature are instituted or who has been the subject of an offence punishable by a term of imprisonment of 5 years or more, may be temporarily relieved of his or her duties, with or without remuneration.

The board of directors meets, without delay and *in camera*, to decide, by a two-thirds vote of its members, whether the director under inquiry must be temporarily relieved of his or her duties.

The director concerned by that measure may submit observations to the board of directors and be heard on the facts in support of his or her claims, before the decision of the board of directors is taken.

The board of directors informs the Office of its decision to temporarily relieve an appointed director of his or her duties.

43. A director is relieved of his or her duties until the board of directors renders a decision referred to in section 38 or, in the cases referred to in the second paragraph of section 42, until the prosecutor decides to stay or withdraw all charges in the proceedings on which the board of

directors' decision was based to temporarily relieve the director of his or her duties or until the decision to acquit the director or to stay all charges in the proceedings.

44. A director against whom a complaint has been filed by the syndic before the disciplinary council of the order or who is the subject of an inquiry brought before the disciplinary council in accordance with section 122.0.1 of the Professional Code (chapter C-26) is temporarily relieved of his or her duties.

On the recommendation of the committee, the board of directors decides whether or not the director referred to in the first paragraph is paid while the director is temporarily relieved of his or her duties.

45. The director is relieved of his or her duties until the final and enforceable decision of the disciplinary council or the Professions Tribunal or, if an order is made by the disciplinary council under section 122.0.3 of the Professional Code (chapter C-26), until it is no longer into force.

46. A director is informed without delay, in writing, of the decision to temporarily relieve the director of his or her duties and the reasons justifying it.

CHAPTER VII FINAL

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

103675

Gouvernement du Québec

O.C. 1169-2018, 15 August 2018

Professional Code
(chapter C-26)

Guidance counsellor
— Code of ethics of guidance counsellor

Code of ethics of guidance counsellors

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des conseillers et conseillères d'orientation du Québec made the Code of ethics of guidance counsellors on 30 September 2017;

WHEREAS, under section 95.3 of the Professional Code, a draft Code of ethics of guidance counsellors was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting such an order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Code of ethics of guidance counsellors was published in Part 2 of the *Gazette officielle du Québec* of 29 November 2017 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 16 May 2018 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Code of ethics of guidance counsellors, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Code of ethics of guidance counsellors

Professional Code
(chapter C-26, s. 87)

DIVISION I GENERAL

1. This Code determines the duties and obligations that must be discharged by guidance counsellors, regardless of the context or manner in which they engage in their professional activities or the nature of their contractual relationship with clients.

The duties and obligations under the Professional Code (chapter C-26) and its regulations are not modified in any manner owing to the fact that a guidance counsellor practices within an organization, a partnership or a joint-stock company.

2. Guidance counsellors may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

3. Guidance counsellors must take reasonable measures to ensure that persons who collaborate with them in the practice of their profession and any organization, partnership or joint-stock company within which they carry on professional activities comply with the Professional Code (chapter C-26) and its regulations.

4. Guidance counsellors must uphold the honour and dignity of the profession and maintain the public's confidence in the profession.

DIVISION II VALUES AND ETHICAL PRINCIPLES

5. The foundation of the profession of guidance counsellor is based in particular on the following values and ethical principles:

(1) respect for the person's dignity and for that person's values and right to decide for themselves;

(2) professional integrity, independence, objectivity, skill, rigour and search of authenticity and honesty;

(3) professional independence, professional judgment and the capacity to act with competence given the complexity of the situations and the uniqueness of each person;

(4) social commitment and use of the professional skills for the benefit of the collective well-being.

DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS, THE PUBLIC AND THE PROFESSION

§1. *Quality of the professional relationship*

6. Guidance counsellors must seek to establish and maintain a relationship of mutual trust with their clients.

7. In their practice, guidance counsellors must show respect for the dignity and freedom of persons and refrain from any form of discrimination.

Where guidance counsellors consider that they are unable to ensure the quality of the professional relationship, they must, in the interest of the client, refer the client to another guidance counsellor.

8. Guidance counsellors must respect the privacy of the persons with whom they enter into a professional relationship, in particular by refraining from gathering information and exploring aspects of private life that have no relation with the professional services agreed on with the client.

9. Guidance counsellors must refrain from acting in any manner that may affect the physical, mental or emotional integrity of the person with whom they establish a professional relationship.

10. During the professional relationship, guidance counsellors must not establish friendships likely to affect the quality of the professional services, or relations of an amorous or sexual nature with a client or a relative of the client. They must refrain from making improper remarks or gestures of a sexual nature to a client or a relative of the client.

For the purpose of determining the duration of the professional relationship, guidance counsellors must take into consideration, in particular, the nature of the consultation, the duration of the professional services provided, the client's vulnerability and the likelihood of the guidance counsellors having to provide professional services to the client again.

11. Guidance counsellors may not refuse or cease to act on behalf of a client, without just and reasonable grounds, in particular

- (1) the inability to establish or maintain a relationship of trust with their client;
- (2) the client's inability to derive benefits from the guidance counsellor's professional services;
- (3) the likelihood that maintaining the professional services may, in the guidance counsellor's judgment, become more harmful than beneficial for the client;
- (4) a real or apparent conflict of interest or in a situation in which their professional independence could be questioned;
- (5) inducement by their client or a relative of the client to perform illegal acts or acts that are contrary to the provisions of this Code;

(6) non-compliance by their client with the conditions agreed on to provide services, including professional fees, and the impossibility of negotiating new conditions; and

(7) the guidance counsellor's decision to scale down his or her practice or to put an end to the practice for personal or professional reasons.

12. Guidance counsellors must inform their client as soon as possible of any action, taken in connection with a professional service, that may be prejudicial to the client.

13. Guidance counsellors must inform the client and take the steps necessary to avoid any prejudice to the client before ceasing to provide professional services.

14. Guidance counsellors must at all times acknowledge their client's right to consult another professional or any other competent person.

§2. Consent

15. Before providing professional services, guidance counsellors must, except in an emergency, obtain the free and enlightened consent of the client, the client's legal representative or, in the case of a minor under 14 years of age, the person having parental authority or the tutor.

To enable a client to give free and enlightened consent, guidance counsellors must inform the client of and ensure that the client understands

- (1) the objective, nature, relevance and main terms of the professional services;
- (2) the limits and constraints of the professional services;
- (3) the use of information obtained;
- (4) the implications of sharing information with third persons or sending a report to third persons; and
- (5) the professional fees and terms of payment.

Communication of the information is adapted to the context of the professional services provided.

16. Guidance counsellors must ensure that the consent of the client remains free and enlightened the entire time they are providing their professional services

17. At all times, guidance counsellors must acknowledge the client's right to withdraw his or her consent.

§3. Confidential information

18. Guidance counsellors must preserve the secrecy of all confidential information obtained in the practice of their profession. Guidance counsellors may be released from their obligation of professional secrecy only with the authorization of their client or where so ordered by law.

In order to obtain such authorization, guidance counsellors must inform their client of the possible implications of the lifting of professional secrecy.

19. Pursuant to section 60.4 of the Professional Code (chapter C-26), guidance counsellors may communicate information that is protected by professional secrecy, in order to prevent an act of violence, including a suicide, where the guidance counsellors have reasonable cause to believe that there is a serious risk of death or serious bodily injury to a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency.

The term “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.

However, guidance counsellors may only communicate the information to the person or persons exposed to the danger or their representative, or to the persons who can come to their aid.

Guidance counsellors may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

20. Guidance counsellors who, pursuant to section 19, communicate information, must

- (1) communicate the information immediately; and
- (2) indicate during the communication
 - (a) his or her name and membership in the Ordre des conseillers et conseillères d'orientation du Québec;
 - (b) that the information to be communicated is protected by the counsellor's obligation to confidentiality;
 - (c) the act of violence to be prevented; and
 - (d) the identity and, if possible, the contact information of the person or group of persons exposed to the danger where the information is communicated to the representative or to persons who can come to their aid;

(3) enter in the client's record as soon as possible

(a) the reasons supporting the decision to communicate the information; and

(b) the subject of the communication, the mode of communication, and the name of the person to whom the information was given.

21. For the purpose of preserving professional secrecy, guidance counsellors must

(1) refrain from disclosing that a person has requested their professional services and from any indiscreet conversation, in particular on social media, about a client and the professional services provided to the client;

(2) take reasonable means with respect to their colleagues and persons under their supervision to preserve professional secrecy.

22. Where guidance counsellors carry on their profession with a couple, a family or a group, they must preserve the right to professional secrecy of each member of the couple, family or group.

23. Where guidance counsellors carry on their profession with a group, they inform the members of the group that an aspect of their private life or that of a third person may be disclosed. They must secure a commitment from the members of the group to preserve the confidentiality of the information.

24. Where guidance counsellors ask a client to disclose confidential information or where they allow a client to disclose such information, they must clearly inform the client of the various uses that could be made of the information.

25. Where guidance counsellors transmit confidential information, in particular within a multidisciplinary team or an institutional program, they must limit the transmission to information that is useful, necessary and relevant to the achievement of the objectives pursued, provided that there will be no ensuing prejudice to their client.

26. Before transmitting a report to a third person, guidance counsellors must obtain explicit authorization from the client after the client has been made aware of the information in the report.

27. Guidance counsellors may not reveal or communicate the results of an evaluation obtained with measurement and evaluation tools without the written authorization of their client, except where the object of the evaluation so requires.

28. Guidance counsellors may not give to a third person other than a competent professional any raw, unprocessed data from an evaluation.

29. When guidance counsellors cease to perform their professional duties for an employer, they must inform their employer of the confidential information contained in the records for which they were responsible and propose the necessary measures to preserve the confidentiality of such information. If the confidentiality of the information could be compromised, they must notify the secretary of the Order.

§4. Accessibility and rectification of records

30. Guidance counsellors must respond promptly, at the latest within 30 days of its receipt, to any written request from a client wishing to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

Guidance counsellors may charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Guidance counsellors who intend to charge such fees must inform the client of the approximate amount to be paid before reproducing, transcribing or transmitting the information.

31. Guidance counsellors must respond promptly, at the latest within 30 days of its receipt, to any request made by a client to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the client. In addition, guidance counsellors must notify the client of the client's right to make written comments and file them in the record.

Guidance counsellors must give the client, free of charge, a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, give the client an attestation stating that the client's written comments have been filed in the record.

Guidance counsellors must forward a copy, free of charge, of the corrected information or an attestation stating that the information has been deleted or, as applicable, that the written comments have been filed in the record, to every person from whom guidance counsellors received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

32. Guidance counsellors who deny a client access to information contained in a record established in the client's respect, or who refuse to grant a request to correct or delete information in any document concerning the client must inform the client of the reasons for the refusal and inform the client of recourses.

33. Guidance counsellors must respond promptly, at the latest within 30 days of its receipt, to any written request from a client wishing to have a document returned to the client.

§5. Professional independence and conflict of interest

34. Guidance counsellors must act with objectivity and subordinate their personal interests or, where applicable, those of their employer, persons who cooperate with them or the partnership or joint-stock company in which they carry on professional activities, or a third person who pays fees, to those of their client.

35. Guidance counsellors must safeguard their professional independence at all times.

36. Guidance counsellors must ignore any intervention by a third person that could influence their professional judgment or the performance of their professional duties to the detriment of the client or any person with whom they have a professional relationship.

37. Where guidance counsellors practice their profession with several clients who may have divergent interests, they must inform them of their duty to be objective and of the specific actions that will be undertaken to provide professional services.

If the situation becomes irreconcilable with their duty to be objective, the guidance counsellors must inform their clients that they must terminate the professional relationship.

38. In any situation where guidance counsellors are called on to intervene in more than one role, they must clarify with the persons concerned the purpose of each of their roles and the implications in the situation.

Where the roles conflict, the guidance counsellors must take the necessary measures to avoid causing prejudice to the client.

39. Guidance counsellors must, except in an emergency, avoid providing professional services to persons with whom they have a relationship that is likely to affect the professional nature of the relationship and the quality of the professional services.

40. Guidance counsellors must not use confidential information to obtain directly or indirectly a benefit for themselves or for third persons.

41. Guidance counsellors must avoid any situation in which they would be in conflict of interest. Guidance counsellors are in conflict of interest particularly when they use the professional relationship for other purposes and when the interests concerned are such that

(1) they might tend to favour certain interests over those of their client;

(2) their judgment and loyalty towards their client might be adversely affected; or

(3) they could gain personal benefit therefrom, whether direct or indirect, real or possible, to the detriment of the client.

42. When guidance counsellors become aware that they are in a real or apparent conflict of interest, they must notify their client and take the necessary measures to ensure that the situation will not cause prejudice to the client.

43. Guidance counsellors must not urge anyone insidiously, pressingly or repeatedly to retain their professional services or to participate in research.

44. Guidance counsellors must not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

45. Guidance counsellors must not seek to obtain a contract for professional services knowing that a contract has already been given to another guidance counsellor.

46. Except for the remuneration to which they are entitled, guidance counsellors may not receive, pay or offer to pay any benefit, rebate or commission relating to the practice of their profession other than customary tokens of appreciation or gifts of small value.

47. Guidance counsellors must refrain from exerting any undue pressure or accepting or offering money or any other consideration to influence the board of directors, one of its committees or any other person acting on behalf of the Order.

§6. Quality of practice

48. Guidance counsellors must discharge their professional obligations with competence, integrity and diligence.

49. Guidance counsellors must avoid any misleading representation as to their level of competence or the scope or effectiveness of their professional services or of those generally offered by other members of their profession or, where applicable, those generally provided by persons who work with them or who carry on their activities within the same partnership or joint-stock company as them.

50. Guidance counsellors must practise their profession in keeping with good practice and the generally accepted standards of practice of the profession.

Guidance counsellors who practice psychotherapy, family mediation or who evaluate mental disorders do so by complying with the provisions of this Code and the specific standards relating to those types of practice.

51. Guidance counsellors must not, out of kindness or for any other reason, falsify or destroy part of or an entire report or record.

52. Guidance counsellors must ensure the quality of their professional services offered to the public, in particular,

(1) by ensuring that their level of competence is kept up to date, maintained and developed;

(2) by assessing the quality of their evaluations and actions; and

(3) by promoting education and information measures in the field in which they practise.

53. Before providing professional services, guidance counsellors must evaluate their proficiency, knowledge and the means at their disposal. Where they consider that they cannot act adequately for a client, they must obtain the necessary assistance after obtaining the client's consent or refuse to provide services.

54. Guidance counsellors must, as soon as the interest of their client so requires and after having obtained their consent, consult another guidance counsellor or another professional, or refer the client to one of those persons.

55. Guidance counsellors must refrain from giving opinions, recommendations or advice that are contradictory or incomplete. To that end, guidance counsellors must endeavour to gain sufficient knowledge and understanding of the facts.

56. Guidance counsellors who produce a written or oral report must limit its content to the interpretations, findings and recommendations based on their professional expertise and related to the practice of their profession.

57. Guidance counsellors must not, by any means of communication whatsoever, utter words, publish writings, distribute photographs, pictures, videos or perform any other act that is contrary to the provisions of this Code or urge any person to do so.

58. Guidance counsellors must refrain from practising their profession in a condition or in a state that may compromise the quality of their professional services or the dignity of the profession.

59. Guidance counsellors must refrain from committing an act involving collusion, corruption, malfeasance, breach of trust or influence peddling.

60. Guidance counsellors must take the means necessary to not compromise the validity of an assessment tool and, to that end, not reveal the protocol to their client.

61. Guidance counsellors must recognize the inherent limits of the assessment tools they use and interpret the results with caution, in particular by taking into account

(1) the characteristics of the client that may interfere with their judgment or affect the validity of their interpretation;

(2) the context of the evaluation; and

(3) factors that could affect the validity of the assessment tools.

62. Guidance counsellors must assume full personal civil liability. They may not exclude, limit or attempt to exclude or limit personal civil liability, by any means whatsoever, in particular by invoking the liability of the partnership or joint-stock company within which they carry on their professional activities or that of another person practising within that partnership or joint-stock company or by requesting that their client or the client's representative renounce any recourse in case of professional negligence on their part.

§7. Professional commitment and collaboration

63. To the extent of their resources, qualifications and experience, guidance counsellors must participate in the development and quality of the profession in particular with students and other guidance counsellors.

To the same extent, guidance counsellors must collaborate with the Order in fulfilling its duties, including its duty to ensure the protection of the public.

64. Guidance counsellors consulted by another guidance counsellor must provide their opinion and recommendations within a reasonable time. If unable to do so, they must so notify the other guidance counsellor as quickly as possible.

65. Guidance counsellors may not, with respect to another guidance counsellor or any person with whom they have a professional relationship, damage the person's reputation, denigrate or harass the person or breach the person's trust, voluntarily mislead the person, betray good faith or use unfair practices.

66. Guidance counsellors refrain from criticizing, overtly or without evidence to the public, the standard or new guidance methods, different from those they use in the practice of the profession, when the methods meet the generally recognized professional and scientific principles in guidance.

67. Guidance counsellors may not take credit for work not performed by them.

68. Guidance counsellors recognize the Order's responsibility to ensure the protection of the public and the practice of the profession by competent professionals. For that purpose, they must, in particular,

(1) inform the Order that a person is appropriating the title of guidance counsellor or carries on illegally activities reserved to them;

(2) inform the syndic that they have reason to believe in the existence of a situation likely to affect the competence or the integrity of another guidance counsellor;

(3) promptly reply, in a complete and truthful manner, to all verbal or written requests from the secretary of the Order, a syndic, a member of the review committee or the professional inspection committee, an inspector of the committee, an investigator or an expert; and

(4) respect any agreement made with any of the persons referred to in paragraph 3.

69. A guidance counsellor who is requested by the Order to become a member of a council for the arbitration of accounts, a disciplinary council, a review committee or a professional inspection committee must agree to serve, unless there are reasonable reasons preventing the guidance counsellor from becoming a member.

70. In no circumstances may a guidance counsellor, on being informed of an inquiry into the guidance counsellor's professional conduct or competence or that of persons

who work with them or who carry on their activities within the same partnership or joint-stock company as them or on being served with a complaint, communicate with the person who requested the inquiry or made the complaint or with any other person involved in the inquiry or complaint, without the prior written authorization of the syndic.

§8. *Research*

71. Guidance counsellors who undertake, participate or collaborate in research involving persons must ensure that the project has been approved by a recognized research ethics committee. To that end, guidance counsellors must refer to and comply with the methodology approved by the committee, in particular to

(1) inform each of the research subjects or representative of the project's objectives and the manner in which it will be conducted and the advantages, risks or disadvantages related to the person's participation;

(2) obtain free and enlightened consent;

(3) inform the research subject or representative that the consent is revocable at any time; and

(4) ensure measures for the protection of the confidentiality of the information collected as part of the research project.

72. Where the carrying out of a research project is likely to cause prejudice to persons or the community, guidance counsellors who participate in the research must notify the research ethics committee or another appropriate authority.

73. Guidance counsellors must cease any form of participation in a research project if the disadvantages for the research subjects appear to outweigh the expected benefits after having notified the research ethics committee or any other appropriate authority.

§9. *Fees*

74. Guidance counsellors must charge and accept fair and reasonable fees. To determine their fees, guidance counsellors must consider in particular

(1) their experience and expertise;

(2) the time required to perform the professional services;

(3) the nature and complexity of the professional services; and

(4) competence or celerity necessary to provide professional services.

75. Guidance counsellors must produce an intelligible and detailed statement of fees to their clients and provide them with all explanations necessary to an understanding of the statement.

76. Guidance counsellors may not require advance payment of fees. In addition, they may not require an advance to cover payment of the expenditures necessary to perform their professional services.

77. Guidance counsellors may, by written agreement with the client,

(1) require administrative fees for a missed or cancelled appointment by the client according to the conditions agreed to in advance, the fees must not exceed the amount of fees lost; and

(2) subject to the law, require fees in addition to those reimbursed by a third person.

78. Guidance counsellors must claim from their client in writing their fees and administrative fees for any missed or cancelled appointment.

79. Guidance counsellors must not issue, out of kindness or for any other reason, inaccurate receipts.

80. Guidance counsellors may share their fees only insofar as the sharing corresponds to the sharing of services and responsibilities and does not affect their professional independence.

81. Outstanding accounts of guidance counsellors bear interest at the reasonable rate agreed in writing with their client.

82. Before instituting legal proceedings, guidance counsellors must have exhausted all means available to recover their fees and other expenses.

83. Guidance counsellors who appoint a third person to collect their fees must ensure that the latter proceeds with tact, moderation and respect for the confidentiality and rules relating to the collection of accounts provided for by law.

§10. *Advertising*

84. In their advertising, guidance counsellors must not impart a mercantile character or character likely to tarnish the image of the profession.

85. Guidance counsellors' advertising may contain only information that will help the public to make an enlightened choice.

86. Guidance counsellors may not claim, in their advertising, specific qualities or skills, in particular as to their level of competence or the scope or effectiveness of their professional services, unless they can be substantiated.

87. Guidance counsellors may not engage in or allow advertising, by any means whatsoever including social media, that is false, deceitful, incomplete or likely to be misleading.

88. Guidance counsellors who advertise their fees must

(1) specify the fees required for their professional services;

(2) specify the nature and extent of the professional services included in the fees;

(3) indicate whether costs are included in the fees; and

(4) indicate whether additional services or costs which are not included in the fees might be required.

The fees advertised are to remain in effect for a minimum of 90 days after the date they were last broadcast or published.

Guidance counsellors may, however, agree with the client on rates lower than those advertised.

89. In any advertising involving a special price, guidance counsellors must specify the period during which the price is valid, if applicable.

90. In any statement or advertisement, guidance counsellors may not give more importance to a price than to the services offered.

91. All advertising must indicate the name and professional title of the guidance counsellor. Where there are members of various professions included in the name of a partnership or joint-stock company, the title of each professional must appear.

92. Guidance counsellors who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the secretary of the Order.

93. Guidance counsellors who reproduce the name of the Order in their advertising must use the following wording: "member of the Ordre des conseillers et conseillères d'orientation du Québec".

94. Guidance counsellors must keep a copy of every advertisement for a period of 3 years following the date on which it was last broadcast or published. The copy must be given, on request, to the syndic, an inspector or a member of the professional inspection committee.

DIVISION IV FINAL

95. This Code replaces the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation du Québec (chapter C-26, r. 68).

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

103676

Gouvernement du Québec

O.C. 1193-2018, 15 August 2018

An Act respecting the Ministère de la Santé et des Services sociaux
(chapter M-19.2)

Program for the reimbursement of costs related to the transport of parenteral therapies, ophthalmic solutions and non-sterile extemporaneous preparations

Program for the reimbursement of costs related to the transport of parenteral therapies, ophthalmic solutions and non-sterile extemporaneous preparations

WHEREAS, under paragraph *h* of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister is to promote the development and implementation of programs and services according to the needs of individuals, and families and other groups;

WHEREAS, under the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Régie de l'assurance maladie du Québec is to administer and implement the programs of the health insurance plan instituted by the Health Insurance Act (chapter A-29) and any other program entrusted to it by law or by the Government;

WHEREAS, under the fifteenth paragraph of section 3 of the Health Insurance Act (chapter A-29), the Board assumes the cost of services and goods provided under the programs it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec according to the conditions and methods provided for under those programs;

WHEREAS, under the first paragraph of section 2.1 of the Act respecting the Régie de l'assurance maladie du Québec, the Board is to recover, from the department or body concerned, the cost of services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program;

WHEREAS, under Décret 1283-2003 dated 3 December 2003, the Government entrusted to the Board the administration of the Program for the reimbursement of costs related to the transport of parenteral therapies, ophthalmic solutions and non-sterile extemporaneous preparations, approved the agreement concerning the program to be entered into between the Minister of Health and Social Services and the Régie de l'assurance maladie du Québec, the text of which was substantially the same as the text attached to that Décret, and authorized the Board to sign it;

WHEREAS such an agreement was entered into on 10 March 2004;

WHEREAS it is expedient to replace the program;

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

THAT the Program for the reimbursement of costs related to the transport of parenteral therapies, ophthalmic solutions and non-sterile extemporaneous preparations, attached to this Order in Council, be entrusted to the Régie de l'assurance maladie du Québec;

THAT this Order in Council replace Décret 1283-2003 dated 3 December 2003 as of the date on which the Program takes effect.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

PROGRAM FOR THE REIMBURSEMENT OF COSTS RELATED TO THE TRANSPORT OF PARENTERAL THERAPIES, OPHTHALMIC SOLUTIONS AND NON-STERILE EXTEMPORANEOUS PREPARATIONS

1. To be eligible under the program, persons must be covered by the basic prescription drug insurance plan by coverage provided by the Régie de l'assurance maladie du Québec (hereinafter called the "Board").

2. For the purposes of this Program, "individual agreement" means the Entente particulière relative au Programme de remboursement des coûts relatifs au transport des thérapies parentérales, des solutions ophtalmiques et des préparations magistrales non stériles between the Minister of Health and Social Services (the "Minister") and the Association québécoise des pharmaciens propriétaires.

3. Persons eligible under this Program must present to the pharmacist providing the service their valid health insurance card or claim booklet and a medical prescription for parenteral therapy, ophthalmic solution or non-sterile extemporaneous preparation written by a physician who is a member of the Collège des médecins du Québec or an equivalent organization from another province or territory, or the holder of a training card issued by the secretary of the Collège des médecins du Québec or an equivalent organization from another province or territory authorized to write such a prescription.

4. Eligible persons who do not present their valid health insurance card or claim booklet, as the case may be, to the dispensing pharmacist must pay the cost of transport, subject to section 9.

Those persons must, to benefit from this Program, submit an application for reimbursement to the Board using the form provided for that purpose along with a copy of the medical prescription, an itemized invoice for the medication purchased and proof of payment.

When requested to do so by the Board, an eligible person must in addition file or arrange for the filing of any other document necessary for assessing the application for reimbursement.

5. Eligible persons referred to in section 4 are entitled to require reimbursement from the Board only if they send their application for reimbursement within 12 months following the date of purchase.

The Board may consider an application for reimbursement sent after the expiry of the time period if the eligible persons demonstrate that they were, in fact, unable to submit their application for reimbursement sooner.

6. The transport costs referred to in this Program are those determined in the individual agreement.

7. The persons who benefit from this Program are exempted from payment of any contribution.

8. The Board bears the transport costs referred to in this Program in accordance with the individual agreement.

9. A pharmacist may only require or receive from the Board the remuneration provided for in the individual agreement for the services covered by this Program. The pharmacist may not require any payment from an eligible person.

Provided that a dispensing pharmacist has complied with this Program and the individual agreement, the dispensing pharmacist is entitled to be remunerated by the Board for a service furnished to an eligible person who did not present a valid health insurance card or claim booklet in the following cases:

(a) the person is under 1 year of age;

(b) the person is 14 years of age or older and under 18 years of age and consents alone to the insured services.

10. Services obtained outside Québec are not covered by this Program, except those furnished by a dispensing pharmacist with whom the Board has entered into an individual agreement for that purpose, where the pharmacy is situated in a region bordering on Québec and if no pharmacy situated in Québec within a radius of 32 km of that pharmacy provides services to the public.

11. The Minister and the Board may review this Program and agree on any modification, by written agreement, to the extent that the modifications comply with the financial framework and orientations of the Program.

12. The Minister reimburses to the Board, according to the methods on which they agree, the sums paid under this Program and the program development and administration costs.

13. The Board recovers any amount that would have been unduly paid as payment or reimbursement under this Program where the dispensing signatory of an agreement or an eligible person has received a sum greater than

the sum to which they were entitled to receive or where they received a payment or reimbursement without being entitled to such payment or reimbursement.

The recovery of amounts unduly paid is prescribed 5 years after the date on which the payment or reimbursement is paid by the Board. In the case of a false declaration, recovery is prescribed 5 years after the date on which the Board becomes aware of a person's ineligibility for such payment or reimbursement, but not later than 10 years after the purchase of the supply.

14. The Board provides to the Minister periodic reports on the sums reimbursed under this Program, according to the methods on which they may agree. The reports do not include personal information unless agreements have been entered into in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1). The reports contain in particular

(a) the sex of the eligible persons;

(b) their age group, per 5-year increment;

(c) their place of residence, in particular their socio-sanitary region or the territory of their local community service centre;

(d) the transport costs from the compounding pharmacist to the pharmacist dispensing a parenteral therapy, ophthalmic solution or non-sterile extemporaneous preparation;

(e) the date of service;

(f) the cost of each prescription for parenteral therapy, ophthalmic solution or non-sterile extemporaneous preparation;

(g) the class code of the pharmacy; and

(h) the socio-sanitary region in which the pharmacy is situated.

15. The Board publishes this Program on its website within 30 days after it takes effect. It also publishes on its website, within 30 days after they take effect, any modifications to the Program.

16. This Program takes effect on 31 October 2018.

103684

Gouvernement du Québec

O.C. 1194-2018, 15 August 2018

Funeral Operations Act
(2016, chapter 1)

Regulation

Regulation respecting the application of the Funeral Operations Act

WHEREAS the Funeral Operations Act (2016, chapter 1) was assented to on 17 February 2016;

WHEREAS sections 7, 11, 16, 21, 33, 36, 38, 46, 48, 61, 63, 65, 69, 70, 79, 81, 82, 88 and 97 of the Act provide that the Government may make regulations for its application;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the application of the Funeral Operations Act was published in Part 2 of the *Gazette officielle du Québec* of 9 May 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the application of the Funeral Operations Act, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the application of the Funeral Operations Act

Funeral Operations Act
(2016, chapter 1, ss. 7, 11, 16, 21, 33, 36, 38, 46, 48, 61, 63, 65, 69, 70, 79, 81, 82, 88 and 97)

CHAPTER I

FUNERAL SERVICES BUSINESS LICENCE
AND EMBALMER'S LICENCE

DIVISION I

FUNERAL SERVICES BUSINESS LICENCE

§1. Qualifications of an applicant

1. A funeral services business licence may only be issued to a person who

(1) operates at least 1 embalming room, crematorium or room permanently set up for the viewing of bodies or human ashes;

(2) has a liability insurance contract for at least \$1,000,000 per claim that complies with the requirements prescribed by section 2; and

(3) has not had the licence revoked in the 5 years preceding the application.

Where the applicant is a natural person, the person must be 18 years of age or over.

2. The liability insurance contract of a funeral services business licensee must

(1) cover in particular the liability of the licensee for damages attributable to a fault or negligence committed in the operation of the funeral services business; and

(2) include a provision requiring the insurer to notify the Minister within 10 working days following the termination, cancellation or modification of the liability insurance contract reducing coverage below \$1,000,000.

3. A funeral services business licensee must keep in force the liability insurance contract during the term of the licence.

In the event that, during the term of a licence, the liability insurance contract no longer meets the requirement of paragraph 2 of section 1 and section 2, the licensee may not continue operations before the licensee enters into a new liability insurance contract meeting the requirements prescribed by this Regulation.

§2. Licence application

4. Every funeral services business licence application must be made in writing using the form prescribed by the Minister and must contain the following information and documents:

(1) if the licence is in the name of a natural person, the name, sex and date of birth of the applicant or, in other cases, the corporate name and Québec business number of the business concerned;

(2) the contact information of the applicant;

(3) the address of each funeral facility of the business associated with the funeral operations to be carried out therein;

(4) proof of the liability insurance required under section 2;

(5) in the case of a legal person or other partnership, a resolution of the board of directors or the internal management board, as the case may be, authorizing the filing of the licence application and designating the funeral services director;

(6) in the case of an application for the operation of a crematorium, a copy of the authorization issued in accordance with section 22 of the Environment Quality Act (chapter Q-2);

(7) the name, sex and date of birth of the person who will act as funeral services director.

Every application of the modification of a licence must also contain

(1) a description of the modifications sought; and

(2) the reasons justifying the modifications.

5. Every application for the modification or renewal of a licence must be made in writing using the form prescribed by the Minister and must contain the information and documents provided for in section 4.

Information and documents previously provided to the Minister need not be re-filed if the applicant attests to their accuracy.

6. The annual fees exigible for the issue or renewal of a funeral services business licence are \$525 for each funeral facility operated by a funeral services business.

The fees, non-refundable, are payable on the anniversary date of the issue or renewal of the licence.

7. The fees exigible to modify a licence to add funeral facilities are the same as those provided for in section 6 and are not calculated proportionately to the remaining period before the expiry of the licence.

§3. Documents to be kept by a licensee

8. A funeral services business licensee must keep the following documents for 5 years:

(1) contracts entered into with subcontractors for the provision of funeral services and for the transportation and preservation of bodies, where applicable;

(2) with respect to each body:

(a) a copy of the attestation of death, except in the case of a non-living product of conception, or a copy of the coroner's authorization to dispose of the body;

(b) a copy of the document specifying, where applicable, that the body presents a public health hazard;

(c) a copy of the coroner's authorization in a case referred to in section 126.

§4. Qualifications of a funeral services director

9. A funeral services director appointed by a funeral services business must have the following qualifications and

(1) be 18 years of age or over;

(2) be domiciled in Québec;

(3) not have been found guilty of an indictable offence or other offence relating to funeral operations and not have been found guilty of an offence under the Funeral Operations Act (2016, chapter 1) or its regulations in the last 5 years, unless a pardon has been obtained; and

(4) at the time of the appointment, have shown a sufficient knowledge of the Québec legal framework applicable to the funeral sector in one of the following manners:

(a) by being a licensed embalmer;

(b) by having been a funeral services director during the 12 preceding months;

(c) by the successful completion of a written examination in the last 5 years.

10. A natural person may be appointed funeral services director despite paragraph 4 of section 9 if, on 31 December 2018, the person held a valid funeral director licence issued by the Minister under section 33 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2), for as long as the person acts for and in the name of the funeral services business for which the person acted on 31 December 2018.

11. A funeral services director may be called upon to show a sufficient knowledge of the Québec legal framework applicable to the funeral sector by an examination where the Minister has reasonable grounds to believe that the director does not have or no longer has the knowledge necessary to carry out operations.

DIVISION II EMBALMER'S LICENCE

§1. *Qualifications of the applicant*

12. An embalmer's licence may only be issued to a natural person who

- (1) is 18 years of age or over;
- (2) is domiciled in Canada;
- (3) holds a college diploma in embalming techniques from an educational institution recognized by the Minister of Education and Higher Education, a diploma of the Institut de Thanatologie du Québec, created under section 10 of the Québec funeral directors and embalmers Act (S.Q. 1960-61, chapter 152), or an accreditation or licence to carry on embalming operations in another province or a territory of Canada; and
- (4) did not have his or her licence revoked in the 5 years preceding the application.

In addition, to obtain a first embalmer's licence, the holder of an accreditation or licence allowing the holder to practise such activities in another province of a territory of Canada must show through a written examination sufficient knowledge of the Québec legal framework applicable to embalming.

A person who was not a licensed embalmer in the 5 years preceding the person's application, except in the case of a person having obtained a diploma of college studies in embalming technique within that period, must also show through a written examination sufficient knowledge of the Québec legal framework applicable to embalming.

13. A natural person may obtain an embalmer's licence despite subparagraph 3 of the first paragraph of section 12 if, on 31 December 2018, the person held a valid embalmer's licence issued by the Minister under section 32 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) and section 103 of the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1), as they read on that date.

14. A licensed embalmer may be called upon to show through a written examination sufficient knowledge of the Québec legal framework applicable to embalming where the Minister has reasonable grounds to believe that the licensed embalmer does not have or no longer has the knowledge necessary for embalming.

§2 *Licence application*

15. Every application for an embalmer's licence must be made in writing using the form prescribed by the Minister and must contain

- (1) the name, contact information, date of birth and sex of the applicant;
- (2) the name and contact information of the funeral services businesses for which the applicant's services are required;
- (3) the number of embalming performed by the applicant since the beginning of the calendar year, where applicable; and
- (4) an attestation that the applicant obtained a diploma of college studies in embalming techniques, where applicable.

An applicant who has an accreditation or licence for embalming issued by another province or a territory of Canada must provide, in replacement of the document referred to in subparagraph 4 of the first paragraph,

- (1) a true copy of the accreditation or licence issued by the regulatory body of the province or territory of origin; and
- (2) a certificate, letter or other proof, issued by the regulatory body of the province or territory of origin where the applicant is accredited, confirming that the recognition is in good standing at that place.

16. Every application for the issue or renewal of a licence must be made in writing using the form prescribed by the Minister and contain the information and documents provided for in section 15.

Documents previously provided to the Minister need not be re-filed if the applicant attests to their accuracy.

17. The fees, non-refundable, exigible for the issue or renewal of an embalmer's licence are \$209.

CHAPTER II CONTINUING EDUCATION

DIVISION I CONTINUING EDUCATION REQUIREMENT

18. Licensed embalmers and funeral services directors must, unless exempted under Division III of this Chapter, devote at least 9 hours of continuing education per 3-year reference period.

The first reference period begins on 1 January 2020.

A person who exercises the functions of funeral services director while being a licensed embalmer must comply with the number of hours provided for in the first paragraph and not double that number.

19. The training recognized for calculating the continuing education hours required under this Regulation is the training that meets the following conditions:

(1) it is offered by an educational institution recognized by the Minister of Education and Higher Education, by an organization, a person or a partnership recognized by the Minister of Health and Social Services or as part of a symposium, convention, conference or seminar organized by them;

(2) its content is recognized by the Minister of Health and Social Services.

20. The Minister may, if the Minister considers that a change or deficiency affecting funeral operations justifies it, impose to all licensed embalmers, funeral services directors or some of them specific training. For that purpose, the Minister

(1) sets the duration of the training and the prescribed time to undergo the training; and

(2) determines the object and form of the training and the providers qualified to offer the training.

The hours devoted to that specific training are taken into consideration in the calculation of continuing education hours required under this Regulation.

DIVISION II CONTROL METHODS AND PENALTIES

21. Licensed embalmers and funeral services directors must provide a continuing education declaration, not later than 90 days after the end of the reference period, using the form prescribed by the Minister. The declaration must contain the training activities taken, the dates on which they were offered, the information on the providers and the number of hours completed.

22. The Minister may require any document or information allowing to verify that the licensed embalmer or the funeral services director met the continuing education requirements.

23. The Minister sends to the licensed embalmer or the funeral services director who has not met continuing education requirements, a notice indicating the requirements that were not met and informing the embalmer or director that he or she has 45 days from the date on which the notice is received to remedy the situation.

The hours of continuing education accumulated following that failure may only be recorded for the year of the reference period concerned by the failure.

24. The Minister sends to the licensed embalmer or the funeral services director who has not remedied the failure specified in the notice sent under section 23 a final notice informing the embalmer or director that he or she has an additional period of 15 days following the date on which the notice to remedy the failure is received and the sanction to which the embalmer or director is subject if the failure is not remedied.

25. Where a licensed embalmer has not remedied the failure specified in the notice sent under section 24, the Minister suspends the embalmer's licence. The Minister so notifies the licensee in writing.

26. Where a funeral services director has not remedied the failure specified in the notice sent under section 24, the Minister sends a written notice to the funeral services business employing the director to require the designation, within 10 days after the reception of the notice, of a new funeral services director, failing which the funeral services business licence will be suspended.

27. Licensed embalmers or funeral services directors must keep supporting documents allowing the Minister to verify that they meet the continuing education requirements or have been exempted at least 3 years as of the end of the reference period to which they refer.

DIVISION III EXEMPTIONS

28. Despite section 18, a licensed embalmer or a funeral services director may apply for an exemption from the continuing education hours if the embalmer or director

(1) has obtained an embalmer's licence or has been appointed funeral services director after the beginning of a reference period;

(2) is on maternity or paternity leave or parental leave within the meaning of the Act respecting labour standards (chapter N-1.1); or

(3) is unable to attend a continuing education activity because of a serious extended illness or other exceptional circumstances.

The embalmer or the director may apply for an exemption by sending to the Minister a written application specifying the reasons for the application and any supporting document.

The Minister sends the decision to the embalmer or the director within 60 days following the date on which the application is received.

The requirement set out in section 18 may be reduced to 15 minutes for each month during which the embalmer or the director is unable to carry out the operations.

As soon as the impossibility ceases, the embalmer or the director must so notify the Minister in writing.

CHAPTER III REGISTERS

DIVISION I FUNERAL OPERATIONS REGISTER

§1. *General*

29. Funeral services businesses must keep a funeral operations register including, with respect to each body, a general portion and one or more specific portions.

Where a business takes charge of a body, the business completes the general portion and all the specific portions of the register applying to the funeral operations carried

out with respect to the body. The business attaches to the register copies of the specific portions that are given, where applicable.

Where a funeral services business provides services to another funeral services business, that business completes the general portion and the specific portions applicable to the services offered and gives a copy to the business who takes charge of the body.

30. The information contained in the register must be kept for at least 5 years from the end of the provision of services.

31. If the funeral services business ceases operations, it must give its funeral operations register to another funeral services business.

The funeral services business must so inform the Minister and provide the Minister with a copy on request.

§2. *Content*

32. The general portion of the register must contain

(1) the name, address and licence number of the funeral services business responsible for the register;

(2) the name, sex, date of birth and the date and time of death of the deceased person;

(3) the number of the attestation of death or the coroner's record number indicated in the authorization to dispose of the body.

33. The specific portion related to the transportation for the initial taking in charge of the body must contain

(1) the place, date and time of taking in charge of the body;

(2) the name of the person that carried out the transportation; and

(3) if transportation is carried out by a transportation services provider, the name of the business responsible for the transportation.

34. The specific portion related to embalming must contain and include

(1) the date and times at which embalming began and ended; and

(2) the name, licence number and signature of the licensed embalmer who performed the embalming.

35. The specific portion related to cremation must contain

- (1) the date, times at which the process began and ended and the type of cremation performed;
- (2) the sequential number of the tag identifying the ashes; and
- (3) the name of the person who performed the cremation.

36. The specific portion related to the presentation and viewing of the body must contain

- (1) the date and duration of each period of presentation or viewing; and
- (2) the place of the presentation or viewing.

37. The specific portion related to the disposal of the body or ashes must contain,

- (1) in the case of interment, the name and address of the cemetery and the date of interment;
- (2) if the body is sent outside Québec, the destination and date of transfer;
- (3) in the case of cremation and the ashes are handed over to a person, the name of that person and the date on which they were handed over; and
- (4) in the case of cremation and the ashes are placed in a cemetery or a columbarium, the name and address of the cemetery or columbarium, and the date on which they were placed therein.

38. Where one of the funeral operations provided for in sections 33 to 36 is carried out by or for another funeral services business, the register must contain, in the specific portion concerned, the name and licence number of the funeral services business through which or for which the operation was carried out, as the case may be.

DIVISION II BURIAL REGISTER

39. The burial register must contain

- (1) the name and address of the cemetery or columbarium operator and, where applicable, the funeral services business licence number;
- (2) the name, sex, date of birth and date of death of the deceased person;

- (3) the date and lot number where the body was interred or, where applicable, the number of the niche where the ashes were placed; and

- (4) the indication that it is an unclaimed body, where applicable.

40. Where a body is temporarily placed in the public vault of a cemetery, the burial register must contain the date of the placement in the public vault and the date of interment.

41. Where ashes kept in a container are moved or where a body is disinterred, the burial register must so specify and indicate the destination.

42. The cemetery or columbarium operator may not dispose of or destroy the burial register under his or her responsibility.

43. If the operations cease, the cemetery or columbarium operator must hand over the burial register to the operator taking charge of the operations.

44. Where a columbarium operator or a funeral services business wishes to dispose of ashes abandoned in accordance with section 52 of the Act, the information related to the ashes, recorded in the burial register, must be provided to the operator taking charge of the ashes.

DIVISION III UNCLAIMED BODY REGISTER HELD BY THE MINISTER

45. The unclaimed body register held by the Minister must contain

- (1) the name, sex, date of birth, and the place, date and time of death of the deceased person;
- (2) the number of the attestation of death or the coroner's record number indicated on the authorization to dispose of the body;
- (3) the reason for which the body has been declared unclaimed;
- (4) if a police force searched to find a relative of the deceased person, the name of the police force and the record number;
- (5) if a relative declared that he or she does not intend to claim the body, the name of the relative and the date of declaration;

(6) if the body has been donated to an educational institution, the name and address of the institution and the date of taking charge of the body by the institution;

(7) if the body has been handed over to a funeral services business, the name and licence number of the business and the date of taking charge of the body by the business; and

(8) if the body has been claimed by a third person, the name of that person and the date of taking charge of the body by that person.

DIVISION IV **REGISTER OF UNCLAIMED BODIES HELD BY** **AN EDUCATIONAL INSTITUTION**

46. The register of unclaimed bodies held by an educational institution must contain

(1) the name, sex, date of birth and date of death of the deceased person;

(2) the date and time of taking charge of the unclaimed body and the number of the attestation of death;

(3) the method for the disposal of the body, namely by cremation or by interment;

(4) if the body is taken in charge by a funeral services business for disposal, the name and licence number of the funeral services business and the date of taking charge of the body by the business; and

(5) if the body is taken in charge by a cemetery operator for disposal, the operator's name and the date of taking charge of the body by the operator.

47. An educational institution may not dispose of or destroy the register of unclaimed bodies under its responsibility.

48. At the Minister's request, the educational institution must send to the Minister a copy of its register.

CHAPTER IV **STANDARDS AND PRACTICE CONDITIONS** **APPLICABLE TO CERTAIN FUNERAL** **OPERATIONS**

DIVISION I **GENERAL**

49. The facilities and other rooms of a funeral services business must be in good condition and kept spotlessly clean. The same applies to the equipment therein and

the instruments used for funeral operations, including those used in the handling, preparation and preservation of bodies.

Everything that came in contact with the body must be washed and disinfected after each use with a disinfectant recognized in the practices established and determined based on the situation.

50. To prevent any unauthorized access, a funeral services business licensee must control access to the facilities not intended to receive the public and to rooms used for the preservation of bodies.

51. Before proceeding with any operation with respect to a body, a funeral services business licensee must ensure the identity of the body. To that end, the body must have an identification tag that must permanently remain on the body.

52. Every person carrying out any operation on the body, including transportation, must not produce any anatomical biomedical waste and must take the measures necessary to prevent propagation of infection and avoid contamination of the immediate environment by the discharge of body fluids or embalming products.

53. Every person handling a body must apply the appropriate preventive measures to protect public health.

54. Electromagnetic stimulators must be removed from a body by a licensed embalmer before proceeding with embalming, interment or cremation, unless the stimulators have been subjected to tests for which the manufacturer ensures the safety with respect to explosion or contamination risks.

Every electromagnetic stimulator removed from a body must be disposed of in the same manner as non anatomic biomedical waste in accordance with the provisions that apply.

DIVISION II **EMBALMING**

§1. Hygiene and protection standards

55. A licensed embalmer and the staff assisting the embalmer must adopt basic practices in prevention of chemical, biological and radiological risks. Where a special situation requires it, additional precautions must be put in place.

56. Embalming must be performed using a product designed for that purpose and recognized in the practices established in embalming.

57. If organs or any other part of the human body must be removed from the body during embalming, they must be placed in an impervious container and then replaced in the body. Any part of the human body that cannot be replaced in the body must be placed in an impervious container and follow the body.

58. Blood and other biological liquids from the body must be discharged into a sewer system.

The same applies to waste water resulting from embalming operations.

§2. Conditions in which embalming must be performed

59. Where the condition of the body allows and the deceased person did not carry any of the diseases and infections listed in Schedule I, Creutzfeldt-Jakob disease or any other prion disease, embalming may be performed on the body.

60. No embalming may be performed before the attestation of death has been drawn up and 6 hours have elapsed since the declaration of death.

61. Funeral services businesses must ensure that a licensed embalmer has access to the documents or information related to the causes of death.

62. Licensed embalmers and the staff assisting them must perform their work in private, and with due care and attention required to prevent any danger of contamination. They must avoid mutilating the body of a deceased person and must not uselessly impair the person's physical integrity.

To perform their work, they must have at their disposal the necessary equipment and protective clothing recognized in the established practices for embalming.

§3. Layout, equipment and hygiene standards applicable to embalming rooms

63. Every embalming room must have at least 13 square metres of floor space per embalming table and must be isolated by walls or rigid partitions.

64. The interior of embalming rooms must not be visible from the outside where operations are performed therein.

65. Wall coverings, floors and furniture of embalming rooms must be made of non-porous materials easy to clean and disinfect.

The ceiling of embalming rooms must be made of washable or easily replaceable materials.

66. Embalming rooms must have a minimum general light intensity of 500 lux.

67. Embalming rooms must be mechanically ventilated and designed to control the various contaminants and odours present in the air.

68. Embalming rooms must include

(1) 1 faucet supplied with hot and cold water, under pressure and in a quantity sufficient for the operations performed therein and for cleaning the room;

(2) at least 1 floor drain for discharging waste water;

(3) at least 1 embalming table that has a non-porous surface easy to wash and disinfect;

(4) 1 eyewash station; and

(5) cabinets or chests for storing all the embalming material, instruments and products.

Where the room is equipped with a hydro-aspirator, the latter must have its own faucet.

69. In an embalming room, each embalming table must have

(1) 1 independent water faucet;

(2) 1 sink with a non-porous surface easy to wash and disinfect the size of which allows the cleaning of the instruments and allows operations, and supplied with hot and cold water.

70. Every hydro-aspirator or pump used to pump secretions and human biological liquids may not be used for other purposes.

71. Embalming rooms must only be used for embalming or the washing of bodies in the context of a funeral rite or practice.

72. After each use of embalming rooms, the material, instruments and surfaces must be washed and disinfected with an antiseptic solution recognized in established practices.

73. Embalming rooms must be fitted with equipment used for their cleaning. In addition to being accessible and usable at all times, the equipment must only be used for cleaning those rooms.

DIVISION III
PRESENTATION AND VIEWING OF BODIES
OR ASHES

§1. Hygiene and protection standards

74. To decide if it is possible to allow the presentation or viewing of a body, with or without the possibility of physical contact between the body and the public, a funeral services business must take into consideration

- (1) the condition of the body;
- (2) the cause of death and the preparation of the body; and
- (3) public health hazard.

75. For the presentation or viewing of a body, the body must be clothed or covered with a sheet leaving only the face and hands uncovered.

76. The casket in which a body is placed for a presentation or viewing must be rigid to ensure safe handling. The funeral services business must take the necessary measures to prevent any discharge of blood or other biological liquids.

§2. Conditions related to the presentation and viewing of unembalmed bodies

77. An unembalmed body may only be presented or a viewing be held in accordance with the terms of this subdivision.

78. In the first 24 hours after death, an unembalmed body may be presented or a viewing be held provided that the eyes and mouth are closed.

Where physical contact with the body is possible, a licensed embalmer must disinfect the body, and the wounds and lesions must be covered with waterproof fabric.

79. More than 24 hours but less than 48 hours after death, an unembalmed body may only be presented or a viewing be held provided that the body has been kept at a temperature of 4°C or less for a period of at least 3 hours and that the eyes and mouth are closed.

During that period, the funeral services business may present the body or hold a viewing of the body, taken directly from the refrigerated space, for 2 maximum periods of 3 hours. Those 2 periods must be interrupted by 1 period of at least 3 hours of refrigeration of the body at a temperature of 4°C or less.

Where physical contact with the body is possible, a licensed embalmer must disinfect the body, and the wounds and lesions must be covered with waterproof fabric.

80. More than 48 hours after death, an unembalmed body may not be presented or a viewing may not be held, except in the following cases:

(1) within a maximum period of 30 days after death, that body, kept at a temperature of 4°C or less, and placed in an impervious container itself placed in a closed casket, may be placed, after removal from the refrigerated space, in the presence of the public for a period of not more than 3 hours;

(2) for a maximum duration of 30 minutes before embalming or cremation and only for the purpose of identifying the body, where no physical contact with the body is possible.

§3. Conditions related to the presentation and viewing of embalmed bodies

81. An embalmed body may only be presented or a viewing be held in accordance with the terms of this subdivision.

82. A body embalmed using a preservative containing formaldehyde, or other equivalent product having the same preservation properties, may be presented or a viewing be held within a maximum period of 7 days after embalming.

Where embalming was performed using a disinfectant without a preservative agent, the period is 7 days after death.

83. A body embalmed using a preservative and kept at a temperature of 4°C or less may, up to the thirtieth day after death, be presented or a viewing be held for a maximum period of 3 consecutive days.

84. More than 30 days after death and not more than 60 days after death, a body embalmed using a preservative and kept at a temperature of 4°C or less and placed in a closed casket may not be presented or a viewing may not be held, but the body may be placed, after removal from the refrigerated space, in the presence of the public for a period of not more than 3 hours.

More than 7 days after death and not more than 60 days after death, the same applies to a body embalmed using a disinfectant without a preservative agent and kept at a temperature of 4°C or less where the body is placed in an impervious container.

§4. Standards for rental caskets and conditions for their use

85. The part of a rental casket that is in contact with the body must be made of an interchangeable material. The surfaces and fabric in contact with the body must be completely replaced and disposed of adequately after each use.

86. Measures must be taken to prevent discharges in the part of the casket that is not interchangeable.

87. The internal and external walls of the casket must be washed after each use.

88. The casket must be kept in good condition. Where the casket is damaged or soiled in an unrecoverable manner, the funeral services business must dispose of it.

DIVISION IV
PRESERVATION OF BODIES

§1. Hygiene and protection standards

89. The preservation of a body must be performed in a manner that allows the collection of body fluids or embalming products and the prevention of contamination of the immediate environment by discharges.

90. Bodies must be placed on storage surfaces that have non-porous surfaces easy to clean and disinfect or in a casket.

§2. Standards for the preservation of unembalmed bodies

91. Twenty-four hours after death, an unembalmed body must be kept at a temperature of 4°C or less.

92. An unembalmed body kept at a temperature of 4°C or less must, not later than 48 hours after death, be placed in an impervious container.

Not later than 60 days after death, such a body must be kept at a temperature of 0°C or less.

§3. Standards for the preservation of embalmed bodies

93. Not later than 7 days after embalming was performed using a preservative, a body must be kept at a temperature of 4°C or less.

Not later than 60 days after death, such a body must be kept at a temperature of 0°C or less.

94. Not later than 7 days after death, a body embalmed using a disinfectant without a preservative agent must be placed in an impervious container and kept at a temperature of 4°C or less.

Not later than 60 days after death, such a body must be kept at a temperature of 0°C or less.

§4. Standards for refrigerated spaces

95. Refrigerated spaces must be used exclusively for the preservation of bodies and the temporary storage of biomedical waste.

96. Refrigerated spaces must allow bodies to be kept at a temperature of 4°C or less.

97. The interior walls and storage surfaces of refrigerated spaces must be made of non-porous materials easy to clean and disinfect.

98. Storage surfaces must be washed and disinfected with an antiseptic solution after each use.

§5 Standards for public vaults

99. A body may only be placed in a public vault as of 1 November of one year to 14 May of the following year. Bodies placed in a public vault must be cremated or interred before 15 May.

100. Bodies placed in a public vault must be placed in a casket. They must be embalmed or preserved in an impervious container in order to collect liquids.

DIVISION V
CEMETERIES, COLUMBARIUMS AND MAUSOLEUMS

§1. Standards for cemeteries

101. An application to establish or change the size or use of a cemetery provided for in section 43 of the Act must be accompanied by a copy of the authorization issued under section 22 of the Environment Quality Act (chapter Q-2).

102. Ashes contained in a container may only be placed in the ground in a cemetery.

103. The premises and facilities forming a cemetery, including the rooms used for the preservation of bodies, must be kept in good condition and spotlessly clean.

§2. *Standards for columbariums*

104. Columbariums must be kept in good condition and spotlessly clean.

105. In columbariums, ashes placed in niches must be in a container.

106. A columbarium operator, a cemetery operator or a funeral services business that temporarily stores ashes kept in a container until they are placed in the ground or in niches of a columbarium or until they are handed over to the person authorized to dispose of them must be kept in a manner to ensure that the dignity of the deceased person is respected, in a clean and easily accessible place.

§3. *Standards for mausoleums*

107. Mausoleums must be kept in good condition and spotlessly clean.

DIVISION VI INTERMENT AND DISINTERMENT OF BODIES

§1. *General*

108. A person who proceeds with an interment or a disinterment must do so while avoiding damages to the other graves of the cemetery or other crypts of the mausoleum.

109. Except in the case of work to be performed in a cemetery, archaeological disinterment performed by the holder of an archaeological research permit issued under the Cultural Heritage Act (chapter P-9.002), are excluded from the application of the Act and this Regulation.

§2. *Standards and conditions for interment*

110. For every interment, the body must be placed in a casket to prevent discharges and allow safe handling of the body.

111. The casket containing the body placed in a grave must be covered by at least 1 metre of soil.

§3. *Standards and conditions for disinterment*

112. Disinterments must be made by a funeral services business or a cemetery operator.

113. If the casket used for the interment cannot adequately contain the human remains disinterred, all the remains must be placed in a container identifying the body.

DIVISION VII CREMATION OF BODIES

§1. *General*

114. No cremation may take place before the attestation of death has been drawn up and 6 hours have elapsed since the declaration of death.

115. Not more than 1 body may be cremated at a time in a cremation chamber.

116. Where all the ashes from the cremation of a body are placed in a single container, an identification tag on which the name of the business that carried out the cremation and the sequential number of the tag must be placed in the container.

If such ashes are placed in more than 1 container, the business must ensure that they can be associated with the business that carried out the cremation and the sequential number of the identification tag.

§2. *Hygiene and protection standards*

117. The cremation of a body must not produce any anatomic biomedical waste.

In addition, the cremation must be carried out in a manner that completely eliminates all organs and soft tissue, to the centre of bones and skull.

118. In the case of flame cremation, the body must be placed in a cremation container made of the appropriate combustible materials designed to support the weight of the body.

119. Bodies that have a probable diagnosis of Creutzfeldt Jakob disease or any other prion disease, active tuberculosis or any of the diseases and infections listed in Schedule I cannot be subject to alkaline hydrolysis cremation.

§3. *Layout and equipment standards for crematoriums*

120. Crematoriums must be laid out and operated to prevent any danger of contamination.

121. Crematoriums must include a space specifically laid out for handling ashes.

122. The equipment used for the cremation of bodies must be used only for that purpose.

DIVISION VIII TRANSPORTATION OF BODIES

§1. General

123. Transportation by stretcher and transportation of a body must be carried out using the equipment designed for that purpose, such as a stretcher, a casket or a spine board.

124. Where a body is in a road vehicle laid out for the transportation of bodies for non-ceremonial purposes, the body must never be left without supervision.

125. A body transported by public transportation must be placed in an impervious container. The person in charge of the transportation is responsible for

(1) ensuring that a copy of the attestation of death is affixed to the container containing the body; and

(2) controlling access to the container to prevent any unauthorized access to the body.

§2. Body entering or leaving Québec

126. Nobody other than a funeral services business authorized by a coroner may make arrangements for the transportation into Québec of the body of a person who died outside Québec or for the transportation of a body out of Québec.

The business that has obtained such authorization must seal the casket.

127. A funeral services business who applies for the authorization to transport out of Québec a disinterred body must file with the application a certified true copy of the order or judgment authorizing the disinterment of the body.

§3. Equipment, hygiene and protection standards for road vehicles laid out for the transportation of bodies

128. This subdivision does not apply to hearses used only to transport bodies for ceremonial purposes.

129. Road vehicles laid out to transport bodies must only be used for funeral operations.

130. Vehicles must be laid out so that it is not possible to see, from the exterior, the area where the body is placed and to allow the anchoring of the equipment used for the transportation of bodies. In addition, the floor of the vehicles must be non porous and easy to wash and disinfect.

Vehicles must be kept in good working condition, maintained regularly and kept clean.

131. The compartment in which the body is placed must be equipped with an air conditioning system that must be activated when the temperature exceeds 20°C inside that part of the vehicle.

132. Vehicles must contain stretcher transportation equipment designed for that purpose, leakproof sheets or opaque plastic shrouds, gloves and a disinfectant.

133. Before transporting with a stretcher and transporting an unembalmed body, the body's respiratory tract must be covered.

DIVISION IX WASHING OF A BODY IN THE CONTEXT OF A FUNERAL RITE OR PRACTICE

134. Where the condition of the body allows and the deceased person did not carry any of the diseases and infections listed in Schedule I, the washing of the body in the presence of relatives or close relations of the deceased person is allowed in the context of a funeral rite or practice.

135. The washing of a body in the context of a funeral rite or practice must be supervised by a funeral services business in a room laid out for that purpose or in an embalming room.

Where the washing is carried out in an embalming room, no embalming or washing of another body may be carried out at the same time.

136. Where a body is not embalmed, the washing in the context of a funeral rite or practice may only take place after a licensed embalmer has disinfected the body, closed the natural orifices with absorbent cotton soaked in disinfectant and covered the wounds and lesions with waterproof fabric. The licensed embalmer must be present to ensure preventive measures are complied with.

Such a body must be washed within a period of 48 hours after death.

137. After the washing of a body in the context of a funeral rite or practice, the material, instruments and surfaces used must be cleaned and disinfected with an antiseptic solution recognized in the established practice.

CHAPTER V BODY PRESENTING A PUBLIC HEALTH HAZARD

138. Where a deceased person carried any of the diseases and infections listed in Schedule I, a funeral services business may not take charge of, transport, handle, operate or dispose of the body without having first received the authorization and directives of the regional public health director.

The body may not be placed in a public vault and flame cremation or interment must be carried out as soon as possible according to the directives of the regional public health director.

CHAPTER VI MISCELLANEOUS

139. No person may take photographs or record the image of a body, except during the presentation or viewing, if the photograph or recording is taken or made by a relative or a person who obtained the consent of a relative. The licensed embalmer or the funeral services business licensee must however obtain written consent of a relative.

Dissemination of the images is prohibited, except if a relative has consented to it.

140. A columbarium operator or a funeral services business disposing of abandoned ashes in accordance with section 52 of the Act must identify the containers in which the ashes have been placed.

141. The funeral services business taking charge of a body that has been used for teaching or research by an educational institution must inter or proceed with the cremation of the body as soon as possible.

142. Where at least 60 days have elapsed since death, the Minister may authorize the cremation of the body while the body is waiting to be given the status of claimed or unclaimed.

The funeral services business must then keep in an easily accessible location the ashes placed in a container to ensure that the dignity of the deceased person is respected.

143. The costs reimbursed to a funeral services business by the Minister for the management of an unclaimed body are provided for in Schedule II.

The amount remitted to the funeral services business varies depending on the services rendered and the physical characteristics of the body.

144. The municipalities and territories exempted from the application of the Act and regulations thereunder are determined in Schedule III.

145. As of 1 January 2020, the costs provided for in sections 6 and 17 and in Schedule II are adjusted on 1 January of each year according to the percentage increase, in relation to the preceding year, in the Consumer Price Index for Canada published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19). For that purpose, the consumer price index for the year is the annual average calculated using the monthly indices for the 12 months ending on 30 September of the preceding year.

If the amounts thus obtained include a fraction of a dollar, the fraction is deleted. The amount is then rounded to the lower 10 dollars, where the last digit is lower than 5, or the higher 10 dollars, in other cases.

The Minister informs the public of the result of the adjustment made under this Division in Part 1 of the *Gazette officielle du Québec* or by any other appropriate means.

CHAPTER VII OFFENCES

146. Every person who contravenes any of sections 49 to 58, 60 to 76, 78 to 80, 82 to 100, 102 to 108, 110 to 118, 120 to 126, 129 to 133, 135 to 137 or 139 to 142 is guilty of an offence and is liable to a fine of \$500 to \$1,500 in the case of a natural person or a fine of \$1,500 to \$4,500 in other cases.

147. Every person who contravenes any of sections 59, 119, 134 and 138 is guilty of an offence and is liable to a fine of \$2,500 to \$12,500 in the case of a natural person or a fine of \$7,500 to \$37,500 in other cases.

CHAPTER VIII TRANSITIONAL AND FINAL

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

(1) sections 3, 8, 11, 14, 18 to 63, 69 to 95, 98 to 120, 122 to 129 and 132 to 147, which come into force on 1 January 2019; and

(2) paragraph 2 of section 2 which comes into force on 1 January 2021;

(3) sections 64 to 68, 96, 97, 121, 130 and 131, which come into force on 1 January 2022.

SCHEDULE I

(sections 59, 119, 134, and 138)

LIST OF DISEASES AND INFECTIONS
PRESENTING A PUBLIC HEALTH HAZARD

Cholera;

Middle East respiratory syndrome coronavirus
(MERS-CoV);Viral haemorrhagic fevers such as Marburg virus,
Ebola, Lassa fever and Crimean Congo fever;

Anthrax;

Plague;

Smallpox;

Any other disease resulting in a health emergency identified by the national public health director, including infectious agents associated to bioterrorism or cases of human influenza caused by a new virus subtype or a new strain with pandemic potential.

SCHEDULE II

(sections 143 and 145)

COSTS REIMBURSED TO A FUNERAL SERVICES
BUSINESS BY THE MINISTER FOR THE
MANAGEMENT OF UNCLAIMED BODIES

1. In the case of the body of a child under 1 year of age, the costs allocated for an unclaimed body are

- (1) \$141 for the taking charge and preservation;
- (2) \$180 for the preparation and disposal; and
- (3) \$20 as administrative costs.

In other cases, the costs are

- (1) \$240 for the taking charge and preservation;
- (2) \$340 for the preparation and disposal; and
- (3) \$20 as administrative costs.

2. Where the body is very tall or has an exceptional weight that requires special measures, the following additional amounts may be allocated:

(1) \$51 where the services of an additional team must be retained for transportation by stretcher and the transportation of the body;

(2) \$80 \$ for the use of the appropriate cremation container.

3. An additional amount may be allocated in exceptional situations for the transportation of a body outside the boundaries of a municipality. That amount is \$1.10 per kilometre travelled with the body in the vehicle.

SCHEDULE III

(section 144)

LIST OF EXEMPTED MUNICIPALITIES AND
TERRITORIES

Akulivik, 99125 and 99883

Aupaluk, 99105 and 99891

Baie-d'Hudson, 99904

Blanc-Sablon, 98005

Bonne-Espérance, 98010

Chisasibi, 99055 and 99814

Côte-Nord-du-Golfe-du-Saint-Laurent, 98015

Eastmain, 99045 and 99810

Fermont, 97035

Gros-Mécatina, 98014

Inukjuak, 99085 and 99879

Ivujivik, 99140 and 99885

Kangiqsualujuaq, 99090 and 99894

Kangiqsujuaq, 99130 and 99888

Kangirsuk, 99110 and 99890

Kiggaluk, 99875

Killiniq, 99896

Kuujuaq, 99095 and 99893

Kuujuarapik, 99075 and 99877

La Romaine, 98804

Nemaska, 99040 and 99808

Pakuashipi, 98802

Puvirnituc, 99120

Quaqtaq, 99115 and 99889

Rivière-Koksoak, 99902

Saint-Augustin, 98012

Salluit, 99135 and 99887

Tasiujaq, 99100 and 99892

Umiujaq, 99080 and 99878

Waskaganish, 99035 and 99806

Wemindji, 99050 and 99812

Whapmagoostui, 99070 and 99816

Other unorganized territories, 99910, 99914, 99916, 99918, 99920, 99922 and 99924

103677

Gouvernement du Québec

O.C. 1196-2018, 15 August 2018

An Act respecting the Ministère de la Santé et des Services sociaux
(chapter M-19.2)

Régie de l'assurance maladie du Québec —Ostomy Appliances Program

CONCERNING the Ostomy Appliances Program entrusted to the Régie de l'assurance maladie du Québec

WHEREAS, under paragraph (*h*) of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister shall promote the development and implementation of programs and services according to the needs of individuals, families and other groups;

WHEREAS, under the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Board is to administer and implement the programs of the health insurance plan instituted by the Health Insurance Act (chapter A-29) and any other program entrusted to it by law or by the Government;

WHEREAS under the fifteenth paragraph of section 3 of the Health Insurance Act, the Board also assumes the cost of services and goods provided under the programs it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec according to the terms and conditions provided for under those programs;

WHEREAS under the first paragraph of section 2.1. of the Act respecting the Régie de l'assurance maladie du Québec, the Board recovers, from the department or body concerned, the cost of services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program;

WHEREAS under Décret 1383-91 dated 9 October 1991, the Government entrusted the Board with the administration, the implementation and the payment of the cost of the Ostomy Appliances Program, in accordance with the provisions of an agreement concluded on 29 October 1991 between the Minister of Health and Social Services and the Board;

WHEREAS under Décret 430-96 dated 3 April 1996, the Government also entrusted the Board with the administration, the implementation and the payment of the excess purchase or replacement cost of appliances furnished to persons with a permanent ostomy who are recipients of income security, in accordance with the provisions of an agreement concluded on 16 April 1996 between the Minister of State for Employment and Social Solidarity and Minister of Income Security and the Board;

WHEREAS amendments to the Ostomy Appliances Program have become necessary;

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

THAT the Régie de l'assurance maladie du Québec be entrusted with the Ostomy Appliances Program, the text of which is attached to this Order in Council;

THAT this Order in Council replace Décret 1383-91 dated 9 October 1991 and Décret 430-96 dated 3 April 1996 as of the date on which the Program takes effect.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

OSTOMY APPLIANCES PROGRAM

DIVISION I PURPOSE

1. The Ostomy Appliances Program is intended to financially assist insured persons, within the meaning of the Health Insurance Act (chapter A-29), who have undergone a surgical procedure to create a temporary or permanent ostomy.

2. The Régie de l'assurance maladie du Québec (hereinafter "the Board") administers and implements the program, and assumes its cost, with regard to persons with an ostomy according to the terms and conditions provided for under this program.

DIVISION II PROGRAM COVERAGE

3. Subject to the conditions set out in Divisions III and IV, the Board shall reimburse to an insured person, for each ostomy, the following lump sums:

- (1) \$1 200 for a permanent ostomy;
- (2) \$800 for a temporary ostomy.

4. The Board shall also reimburse, in the case of an insured person eligible for a financial assistance program under Chapter I, II, V or VI of Title II of the Individual and Family Assistance Act (chapter A-13.1.1), an additional amount to cover the excess amount between the actual purchase or replacement cost of supplies and the sum paid to this person pursuant to section 3.

5. If the course of the insured person's pathology modifies the temporary character of the ostomy, the Board shall pay the difference between the lump sum referred to in subparagraph (1) of section 3 and that paid out in accordance with the provisions of subparagraph (2) of section 3.

DIVISION III ELIGIBILITY

6. An insured person who has undergone one of the following surgical procedures is eligible for the program:

- (1) a colostomy;
- (2) an ileostomy;
- (3) an urostomy.

Notwithstanding the foregoing, an insured person lodged in an institution operating a public residential and long-term care centre or a private one under agreement

referred to in the Act respecting health services and social services (chapter S-4.2) or, if such is the case, in an institution operating a public hospital centre for long-term care or a private one under agreement referred to in the Act respecting health services and social services for Cree Native persons (chapter S-5) is not eligible for this program.

Furthermore, an insured person who receives or would be entitled to receive a benefit under another statute of Québec, a statute of the Parliament of Canada other than the Canada Health Act (Revised Statutes of Canada (1985), chapter C-6) or under a statute of another province of Canada or another country, is not eligible for this program, except if the person is entitled thereto under the Individual and Family Assistance Act, the Act respecting occupational health and safety (chapter S-2.1), the Workers' Compensation Act (chapter A-3) or the Act respecting industrial accidents and occupational diseases (chapter A-3.001), in which case the amounts set out in this program remain reimbursable;

7. The eligibility of an insured person for this program ceases when the person undergoes the closure of an ostomy.

8. An insured person benefiting from the provisions of this program must promptly notify the Board of any change in his or her situation that affects his or her right to a payment or reimbursement or that may affect the amount thereof;

DIVISION IV PAYMENT AND REIMBURSEMENT

9. The insured person who wishes to benefit from the program must submit an application for registration to the Board, using the form that it provides for this purpose and attach a prescription written by a general practitioner or medical specialist member of the Collège des médecins du Québec or of an equivalent organization of another province or territory or by the holder of a resident training card issued by the secretary of the Collège des médecins du Québec or of an equivalent organization of another province or territory, authorized to write such a prescription, indicating the date of the surgical procedure, and the nature and temporary or permanent character of this procedure.

Where the Board so requests it from the insured person, he or she must in addition submit any other document necessary for the assessment of his or her application for reimbursement, or ensure that such a document is submitted.

10. In the case referred to in section 5, the insured person must provide to the Board a prescription written by one of the professionals specified in section 9, confirming the health outcomes and the permanent character of the ostomy.

11. The Board shall pay, in the case of a permanent ostomy, the lump sum specified in subparagraph (1) of section 3 as of the date of receivability of the application for registration. This amount will be subsequently paid out annually on the anniversary date of the surgical procedure.

In the case of a temporary ostomy, the Board shall pay half of the lump sum referred to in subparagraph (2) of section 3 as of the date of receivability of the application for registration and the second half six months after the date of the surgical procedure. Where applicable, the payments will be made twice annually.

12. In the case referred to in section 4, the insured person must submit an application for reimbursement to the Board, accompanied by the invoices detailing the supplies purchased and proof of their payment.

This application for reimbursement must be submitted within 12 months following the date of purchase of these supplies.

The Board may consider an application for reimbursement transmitted past the deadline if the insured person demonstrates that he or she was in fact unable to submit the application for reimbursement sooner.

The Board shall issue the reimbursement of an additional amount only where the documents provided justify that the reimbursement claimed corresponds to the amount exceeding the sum paid to the insured person pursuant to section 3.

13. The Board is also authorized to transmit to the provider who has signed an agreement with an insured person eligible for a program of financial assistance under Chapter I, II, V or VI of Title II of the Individual and Family Assistance Act the payment corresponding to the actual purchase or replacement cost of supplies acquired by this insured person, on presentation of a claim and after having obtained the information and documents that he or she needs to justify the payment claimed.

A “provider” is understood to be any person who has concluded an agreement with the Board within the scope of this program and for whom this agreement is in effect at the time the supply is acquired.

14. The Board shall recover any amount that may have been unduly paid by way of payment or reimbursement under this program, where the insured person or the provider has benefited from an amount greater than that to which he or she was entitled to receive or where he or she has benefited from a payment or reimbursement without entitlement.

The recovery of amounts unduly paid is prescribed five years after the date of payment or reimbursement by the Board. In the case of a false declaration, recovery is prescribed five years after the date on which the Board becomes aware of the person’s ineligibility for a payment or reimbursement, but no later than 10 years after the purchase of the supply.

DIVISION V INDEXATION

15. The amounts set out in this program are adjusted by operation of law on 1 January of each year by the rate of increase of the pension index established according to section 117 of the Act respecting the Québec Pension (chapter R-9). If the amount thus obtained contains a fraction of a dollar, it is rounded to the nearest dollar.

The Board publishes on its website the result of the indexation carried out under this section.

DIVISION VI PROGRAM COST

16. The Minister of Health and Social Services shall reimburse to the Board, according to the terms and conditions to which they may agree upon, the amounts paid to the persons eligible for this program as well as the development and administration real costs of this program.

DIVISION VII INFORMATION AND REVIEW

17. The Board shall provide to the Minister of Health and Social Services periodic reports on the costs incurred within the scope of this program, according to the terms and conditions to which they may agree upon. These reports will not contain any personal information.

18. The Minister of Health and Social Services and the Board may review the program and agree upon any amendments deemed relevant. Such amendments will be deemed to be part of this program.

DIVISION VIII FINAL PROVISIONS

19. This program replaces the program referred to in Décret 1383-91 dated 9 October 1991 and the program referred to in Décret 430-96 dated 3 April 1996.

20. The Board shall publish this program on its website within 30 days after it has come into effect. It shall also publish on its website, within 30 days of their coming into effect, any amendment to the program.

21. Where the temporary ostomy results from a surgical procedure undergone before the coming into effect of this program, the Board shall pay the annual lump sum referred to in subparagraph (2) of section 3 in a single instalment if more than six months have passed since the date of the procedure. Where applicable, subsequent instalments will be made biannually according to the anniversary date of the surgical procedure.

22. Notwithstanding the provisions of the second paragraph of section 11, the Board, until 31 March 2019, shall pay the amount set out in subparagraph (2) of section 3 in one instalment.

23. This program comes into effect on 1 October 2018.

Notwithstanding the foregoing, this program applies to insured persons benefiting from the provisions of the Ostomy Appliances Program under Décret 1383-91 dated 9 October 1991 only as of the anniversary of their surgical procedure.

103686

Gouvernement du Québec

O.C. 1201-2018, 15 August 2018

Police Act
(chapter P-13.1)

Règles de fonctionnement de la Sûreté du Québec — Replacement

Replacement of the Règles de fonctionnement de la Sûreté du Québec

WHEREAS, under paragraph 1 of section 63 of the Police Act (chapter P-13.1), on the recommendation of the Director General, the Government may, by regulation, set rules governing the operation of the Sûreté du Québec;

WHEREAS the Règles de fonctionnement de la Sûreté du Québec were made by the Government by Décret 733-2018 dated 6 June 2018 and came into force on 20 June 2018;

WHEREAS, under the first paragraph of section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapter J-1.1), in the case of a regulation or other instrument of a legislative nature which was required to be published in French and in English and was not, the authority empowered to adopt the instrument, may replace the instrument with a text which reproduces it, without amendment, this time in French and in English;

WHEREAS, under the first paragraph of section 3 of that Act, once the text is published in the *Gazette officielle du Québec*, each provision of the text may have effect on the same date as that provided for the corresponding provision of the replaced instrument;

WHEREAS it is expedient to replace the Règles de fonctionnement de la Sûreté du Québec made by Décret 733-2018 dated 6 June 2018 by a text which reproduces it;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Règles de fonctionnement de la Sûreté du Québec be replaced by the text attached to this Order in Council to have effect from 20 June 2018.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Operating rules of the Sûreté du Québec

Police Act
(chapter P-13.1, s. 63, par. 1)

DIVISION I TERMS AND CONDITIONS FOR SIGNATURE

1. Members of the Sûreté du Québec or of its non-police personnel who hold, on a permanent or provisional basis, by interim or by temporary designation, a position referred to in the attached financial management plan are authorized, insofar as they act within the limits of their duties, to sign alone, with the same authority and effect as the Minister of Public Security, any deed, document or writing listed with respect to their position, up to the amounts indicated, where applicable, unless the power

to sign the deed, document or writing is attributed to the Minister by a provision of an Act and subject to other conditions prescribed by law.

The Québec sales tax (QST) and the goods and services tax (GST) or, where applicable, the harmonized sales tax (HST) are not taken into account in the amounts provided for in the financial management plan.

2. In an emergency situation, where the safety of persons or property is in jeopardy, a deputy director and the director of emergency measures are authorized to sign, despite the amounts provided for in the attached financial management plan, any supply or services contract.

In that case, they must report the situation as soon as possible to the director general. The report must in particular state the urgent nature of the situation, the assessment of the danger for the safety of persons or property, the amounts incurred, the identification of the parties to the contracts and the justification of the choice of suppliers.

3. The director general, a deputy director, a senior director, a director and a regional commanding officer are authorized to sign, insofar as they act within their duties, a deed, document or writing not covered in the attached financial management plan, unless the power to sign the deed, document or writing is attributed to the Minister by a provision of an Act and subject to other conditions prescribed by law.

4. Subject to the independence of the Sûreté related to the pursuit of its mission under section 48 of the Police Act (chapter P-13.1), the director general must obtain the authorization of the deputy minister before signing any deed, document or writing likely to raise issues that affect the pursuit of the mission of the department or the operation of the State or its institutions. Together they determine the files likely to raise those issues and the applicable terms and conditions.

5. The director general keeps a register of the deeds, documents and writings signed in accordance with section 3 which indicates, in respect of each, its signatories, object and duration.

The director general sends every year a copy of the register to the deputy minister.

DIVISION II CONTENTIOUS CASES AND OUT-OF-COURT SETTLEMENTS

6. Any out-of-court settlement that occurs before legal proceedings are instituted must be authorized

(1) by the director general or a representative designated by the director general where the value is less than or equal to \$100,000;

(2) by the deputy minister where the value is greater than \$100,000.

7. Any out-of-court settlement that occurs after the institution of legal proceedings to which the Attorney General of Québec is a party before a judicial instance must be authorized by the director general or a representative designated by the director general and, where the value of the settlement is greater than \$100,000, by the deputy minister.

In those cases, the rules respecting the authorization of out-of-court settlements of the Ministère de la Justice also apply.

8. The Sûreté must, within 30 days after receiving judicial proceedings in civil matter that concern the Sûreté, send the following information to the deputy minister:

- (1) the name of the parties and the court file number;
- (2) a summary of the object of the proceedings;
- (3) the amount claimed and the provision made by the Sûreté for any dispute;
- (4) the name of the attorneys in the case.

It must also send a copy of the document ending the proceedings where the file is closed.

DIVISION III AUDITING FUNCTION

§1. Direction de la vérification

9. An audit directorate is established within the Sûreté with the mandate in particular

- (1) to coordinate and carry out audit missions;
- (2) to advise, assess and optimize the use of resources;
- (3) to provide advice to the director general and the various directorates of the Sûreté;
- (4) to prepare an auditing plan taking into account risks; and
- (5) to disseminate and promote, to the members of the Sûreté and non-police personnel, the rules of ethics.

10. After consulting the deputy minister, a director of audit is appointed by the director general to whom the director of audit reports.

An assistant director of audit is also appointed by the director general.

11. For carrying out the mandate of the directorate, the director must in particular

(1) provide an objective and independent assessment of the operation of systems, processes and activities of the body and an assessment of the degree of control exercised on them;

(2) audit every year classified expenses and report any irregularity observed to the director general;

(3) audit the application of the rules provided for in Division I in compliance with an audit schedule provided for in a 3-year planning and report any irregularity observed to the director general;

(4) make recommendations and provide advice to improve the efficiency and effectiveness of practises;

(5) ensure the liaison with all the external audit entities at the Sûreté; and

(6) promote an ethical approach in the management of all the resources.

12. The director informs the director general of the director's activities and the result of the audits and may make recommendations.

In addition, the director sends every year to the deputy minister a summary of the activities of the Direction de la vérification along with an attestation of the audit of classified expenses.

13. The director informs the deputy minister of management practises that are not sound or not compliant with the applicable rules where the situation persists after having informed the director general.

14. The director general informs the deputy minister where the director general becomes aware of a significant abnormality.

§2. *Audit committee*

15. An audit committee is also established within the Sûreté with a mandate to assist the Direction de la vérification in the fulfilment of its responsibilities for monitoring the processes for presenting financial information, internal control mechanisms and audit processes, in particular internal audit.

16. The audit committee is composed of at least 3 members designated by the director general who must have knowledge in administrative management.

In addition, at least 1 member must come from outside the Sûreté and not have had any employment or business relationship with the Sûreté for at least 1 year.

17. The charter of the audit committee establishes its role and responsibilities.

FINANCIAL MANAGEMENT PLAN POWER TO CONTRACT OR APPROVE AN EXPENSE											
Monetary limits authorized (before taxes)											
Holder of a designated position	Professional, technical and other services	Supplies	Other types of expenses (publicity, financial costs, lease of property, remuneration, other operating expenses)	Travel advances Travel expenses Overtime	Investigation costs	Classified advances and expenses (special operating expenses)	Entertainment and hospitality expenses /ministerial or interministerial meetings	Costs of exposure	Official expenses	Permanent and remuneration advances	Specific powers or exceptions
Directeur général	No limit	No limit	No limit	No limit	No limit	No limit ⁽¹⁾	No limit	No limit	According to appointment orders	No limit	⁽¹⁾ Including the use of a flashback
Directeur adjoint l'administration	\$250,000 ⁽²⁾	\$500,000 ⁽³⁾	\$150,000 ⁽⁴⁾	\$50,000	\$25,000	\$0	\$10,000	\$500	\$300	\$10,000	⁽²⁾ \$500,000 for investment expenses ⁽³⁾ \$2,500,000 for investment acquisitions ⁽⁴⁾ \$100,000 for debt write-offs
Autres directeurs généraux adjoints (DGA)	\$100,000	\$25,000	\$100,000 ⁽⁸⁾	\$50,000	\$25,000	\$0 ⁽⁷⁾⁽⁸⁾	\$10,000	\$500	\$300	\$10,000	For the DGA at the GFEC: ⁽⁸⁾ \$200,000 for leasing police services For the DGA at the GFST and the GFEC: ⁽⁷⁾ \$5,000 for classified advances and expenses ⁽⁸⁾ \$100,000 for the use of a flashback
Directeur principal des ressources humaines	\$100,000	\$25,000	\$100,000 ⁽⁹⁾⁽¹⁰⁾	\$50,000	\$5,000	\$0	\$10,000	\$500	\$300	\$10,000	⁽⁹⁾ \$1,500,000 for expenses related to the Commission des normes, de l'équité, de la santé et de la sécurité du travail ⁽¹⁰⁾ \$25,000 for expenses to settle grievances and agreements concerning disputes
Directeur (cabinet, direction, bureau or district)	\$50,000	\$5,000	\$10,000	\$10,000	\$5,000	\$0 ⁽¹¹⁾	\$1,000	\$500	\$300	\$5,000	⁽¹¹⁾ For the directors at the GFEC and district: \$2,000 for classified advances and expenses
Directeur des mesures d'urgence	\$50,000 ⁽¹²⁾⁽¹³⁾	\$5,000 ⁽¹²⁾	\$10,000 ⁽¹²⁾	\$10,000 ⁽¹²⁾	\$5,000 ⁽¹²⁾	\$2,000	\$1,000	\$500	\$300	\$5,000	⁽¹²⁾ \$50,000 for expenses related to special operations ⁽¹³⁾ \$400,000 for service expenses related to government air services

FINANCIAL MANAGEMENT PLAN POWER TO CONTRACT OR APPROVE AN EXPENSE											
Monetary limits authorized (before taxes)											
Holder of a designated position	Professional, technical and other services	Supplies	Other types of expenses (publicity, financial costs, lease of property, remuneration, other operating expenses)	Travel advances Travel expenses Overtime	Investigation costs	Classified advances and expenses (special operating expenses)	Entertainment and hospitality expenses /ministerial or interministerial meetings	Costs of exposure	Official expenses	Permanent and remuneration advances	Specific powers or exceptions
Directeur des services spécialisés en enquête	\$50,000	\$5,000 ⁽¹⁴⁾	\$10,000	\$10,000	\$5,000	\$2,000	\$1,000	\$500	\$300	\$5,000	⁽¹⁴⁾ \$50,000 for supply and service expenses related to the use of vehicles for physical surveillance
Adjoint d'un DGA	\$50,000	\$5,000	\$10,000	\$10,000	\$5,000	\$0 ⁽¹⁵⁾	\$1,000	\$500	\$300	\$5,000	⁽¹⁵⁾ For the GPEC and the GFST: \$2,000 for classified advances and expenses in the absence of the director concerned if warranted by an exceptional situation
Directeur des ressources informatiques	\$200,000 ⁽¹⁶⁾	\$400,000 ⁽¹⁷⁾	\$10,000 ⁽¹⁸⁾	\$10,000	\$5,000	\$0	\$1,000	\$500	\$300	\$5,000	⁽¹⁶⁾ \$500,000 for investment expenses ⁽¹⁷⁾ \$1,000,000 for investment acquisitions ⁽¹⁸⁾ \$1,000,000 for IT, telephone and radio expenses
Directeur des ressources matérielles	\$100,000 ⁽¹⁹⁾	\$200,000 ⁽²⁰⁾ ⁽²⁰⁾	\$10,000 ⁽²¹⁾ ⁽²²⁾	\$10,000	\$5,000	\$0	\$1,000	\$500	\$300	\$5,000	⁽¹⁹⁾ \$3,000,000 for expenses paid using the CorpRate account ⁽²⁰⁾ \$1,000,000 for investment acquisitions ⁽²¹⁾ \$6,000,000 for rent and expenses for signing agreements with the Société québécoise des Infrastructures ⁽²²⁾ \$250,000 for expenses for the registration of vehicles

FINANCIAL MANAGEMENT PLAN POWER TO CONTRACT OR APPROVE AN EXPENSE											
Monetary limits authorized (before taxes)											
Holder of a designated position	Professional, technical and other services	Supplies	Other types of expenses (publicity, financial costs, lease of property, remuneration, other operating expenses)	Travel advances Travel expenses Overtime	Investigation costs	Classified advances and expenses (special operating expenses)	Entertainment and hospitality expenses (ministerial or interministerial meetings)	Costs of exposure	Official expenses	Permanent and remuneration advances	Specific powers or exceptions
Directeur des ressources financières	\$100,000	\$200,000	\$10,000 ⁽²³⁾ / \$5,000 ⁽²⁴⁾ / \$5,000 ⁽²⁵⁾	\$10,000	\$5,000	\$0	\$1,000	\$500	\$300	\$5,000	\$500,000 for transactions related to the management of liquid assets in the slush fund (petty cash) Unlimited for accounting transactions related to appropriation accounts and transfers of expenses between the Sûreté and the Fonds des services de police ⁽²³⁾ \$50,000 for debt write-offs ⁽²⁴⁾ \$5,500,000 for expenses related to remuneration ⁽²⁵⁾ \$1,000,000 for expenses related to remuneration
Commandant régional	\$50,000	\$5,000	\$10,000	\$10,000	\$5,000	\$2,000	\$1,000	\$500	\$300	\$5,000	None
Directeur adjoint (direction ou bureau)	\$25,000	\$5,000	\$5,000	\$5,000	\$2,000	\$0 ⁽²⁶⁾	\$0	\$0	\$0	\$0	None
Responsable de service	\$25,000	\$5,000	\$5,000	\$5,000	\$2,000	\$0	\$0	\$0	\$0	\$3,000	None
Responsable de division	\$10,000	\$5,000	\$5,000	\$5,000	\$1,000	\$0	\$0	\$0	\$0	\$2,000	None
Responsable de bureau	\$5,000	\$5,000	\$5,000	\$5,000	\$3,000	\$0	\$0	\$0	\$0	\$0	None
Officier aux opérations	\$5,000	\$5,000	\$5,000	\$5,000	\$3,000	\$0	\$0	\$0	\$0	\$0	None
Responsable aux opérations	\$5,000	\$5,000	\$5,000	\$5,000	\$3,000	\$0	\$0	\$0	\$0	\$0	None
Adjoint au responsable	\$5,000	\$5,000	\$5,000	\$5,000	\$3,000	\$0	\$0	\$0	\$0	\$0	None
Spécialiste en mesures d'urgence	\$5,000	\$5,000	\$5,000	\$5,000	\$3,000	\$0	\$0	\$0	\$0	\$0	None
Directeur de centre de service aux MRC	\$5,000	\$5,000	\$5,000	\$5,000	\$3,000	\$0	\$0	\$0	\$0	\$0	None

FINANCIAL MANAGEMENT PLAN POWER TO CONTRACT OR APPROVE AN EXPENSE											
Monetary limits authorized (before taxes)											
Holder of a designated position	Professional, technical and other services	Supplies	Other types of expenses (publicity, financial costs, lease of property, remuneration, other operating expenses)	Travel advances Travel expenses Overtime	Investigation costs	Classified advances and expenses (special operating expenses)	Entertainment and hospitality expenses (ministerial or interministerial meetings)	Costs of exposure	Official expenses	Permanent and remuneration advances	Specific powers or exceptions
Responsable d'unité	\$5,000	\$5,000	\$5,000	\$5,000	\$3,000	\$0	\$0	\$0	\$0	\$0	None
Sergent aux opérations	\$1,000	\$1,000	\$1,000	\$2,000	\$1,000	\$0	\$0	\$0	\$0	\$0	None
Adjoint aux enquêtes	\$1,000	\$1,000	\$1,000	\$2,000	\$1,000	\$0	\$0	\$0	\$0	\$0	None
Responsable d'escouade	\$1,000	\$1,000	\$1,000	\$2,000	\$1,000	\$0	\$0	\$0	\$0	\$0	None
Responsable du contrôle de qualité - policier	\$1,000	\$1,000	\$1,000	\$2,000	\$1,000	\$0	\$0	\$0	\$0	\$0	None
Responsable de module - policier	\$1,000	\$1,000	\$1,000	\$2,000	\$1,000	\$0	\$0	\$0	\$0	\$0	None
Coordonnateur	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0	\$0	\$0	None
Responsable de groupe	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0	\$0	\$0	None
Responsable d'équipe - policier	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0	\$0	\$0	None
Instructeur-chef	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0	\$0	\$0	None
Superviseur de relève	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0	\$0	\$0	None
Spécialiste en économie souterraine	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0	\$0	\$0	None

Acronyms: **DGA** / Directeur général adjoint **GFEC** / Grande fonction des enquêtes criminelles **GFA** / Grande fonction de l'administration **GFST** / Grande fonction de la surveillance du territoire

Gouvernement du Québec

O.C. 1231-2018, 15 August 2018

An Act respecting the Ministère des Transports
(chapter M-28)

Ministère des Transports — Signing of certain deeds, documents or writings

Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports

WHEREAS, under the first paragraph of section 7 of the Act respecting the Ministère des Transports (chapter M-28), no deed, document or writing is to bind the department or be attributed to the Minister unless signed by the Minister, the Deputy Minister or a functionary but, in the case of such functionary, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS, under the second paragraph of section 7 of the Act, the Government may, however, on the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines;

WHEREAS, under the third paragraph of section 7 of the Act, the Government may also allow a facsimile of the required signature to be engraved, lithographed or printed on such documents as it determines and, in such case, the facsimile is to have the same force as the signature itself if the document is countersigned by a person authorized by the Minister;

WHEREAS, under section 12.9 of the Act, every regulation made under the Act comes into force ten days after its publication in the *Gazette officielle du Québec* or on any later date determined therein;

WHEREAS the Government made the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5);

WHEREAS it is expedient to replace the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport, Sustainable Mobility and Transport Electrification:

THAT the Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports

An Act respecting the Ministère des Transports
(chapter M-28, s.7)

DIVISION I GENERAL

1. Subject to other conditions that may be prescribed by law, members of the personnel of the department who hold the positions listed hereafter are authorized to sign alone and with the same authority as the Minister the deeds, documents or writings listed after their respective positions.

The same applies when those deeds, documents or writings are signed by a person authorized in writing to perform the duties on an interim or temporary basis or as a temporary replacement.

2. Hierarchical superiors of the persons referred to in this Regulation are also authorized to sign the deeds, documents or writings that those persons are authorized to sign.

3. The Québec sales tax (QST) and the goods and services tax (GST) or, where applicable, the harmonized sales tax (HST) are not included in the amounts provided for in this Regulation.

4. For the purposes of sections 5 to 11, a rider to a contract is considered as a contract itself and the capacity to sign it is determined according to its amount.

DIVISION II POWERS OF AN ASSOCIATE DEPUTY MINISTER, AN ASSISTANT DEPUTY MINISTER, A SENIOR DIRECTOR GENERAL, A DIRECTOR GENERAL AND AN ASSISTANT DIRECTOR GENERAL

5. An associate deputy minister or an assistant deputy minister is authorized to sign, for his or her sector of activities, any deed, document or writing regardless of the amount involved, except the following documents:

(1) a contract for services, other than legal services, the amount of which exceeds \$15 million;

(2) a supply contract the amount of which exceeds \$25 million;

(3) a construction contract the amount of which exceeds \$25 million.

6. A senior director general, a director general or an assistant director general is authorized to sign, for his or her sector of activities, the following documents:

(1) a services contract the amount of which does not exceed \$3 million, except a legal service contract that may be signed regardless of the amount involved;

(2) a supply contract the amount of which does not exceed \$2 million;

(3) a construction contract the amount of which does not exceed \$15 million;

(4) a contract for the alienation of movable property the amount of which does not exceed \$2 million;

(5) a contract granting a concession to operate a property or service the amount of which does not exceed \$2 million;

(6) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$2 million;

(7) an agreement or a contract pertaining to the granting of subsidies the amount of which does not exceed \$5 million;

(8) a document related to the issue, revocation or renewal of a permit, an authorization or an approval;

(9) a loan by-law of less than 12 months;

(10) any other deed, document or writing not involving a financial commitment or the amount of which does not exceed \$1 million;

(11) a transfer, to the Government of Canada, of the administration or other rights of immovable property and acceptance of a management and control transfer or of other rights.

DIVISION III

POWERS OF A DIRECTOR, AN ASSISTANT DIRECTOR, A SERVICE HEAD AND A DIVISION HEAD

7. A director is authorized to sign, for his or her sector of activities, the following documents:

(1) a services contract the amount of which does not exceed \$1 million, except a legal service contract that may be signed regardless of the amount involved;

(2) a supply contract the amount of which does not exceed \$1 million;

(3) a construction contract the amount of which does not exceed \$10 million;

(4) a contract for the alienation of movable property the amount of which does not exceed \$1 million;

(5) a contract granting a concession to operate a property or service the amount of which does not exceed \$1 million;

(6) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$1 million;

(7) a lease or a loan for use;

(8) an agreement the amount of which does not exceed \$500,000;

(9) an agreement or a contract pertaining to the granting of subsidies the amount of which does not exceed \$1 million;

(10) an occupancy agreement with the Société québécoise des infrastructures;

(11) an approval document of a municipal by-law under section 627 of the Highway Safety Code (chapter C-24.2) related to the means or systems of vehicular transport under the jurisdiction of the Commission des transports du Québec, vehicle construction, heavy vehicle traffic, the traffic of vehicles carrying dangerous substances or the use of vehicles elsewhere than on public highways;

(12) a notarized deed of acquisition or alienation of property, including the preliminary contract, and any transfer document made under section 11.5.1 of the Act respecting the Ministère des Transports (chapter M-28);

(13) a transfer of authority or administration of immovable property to a Minister of the Gouvernement du Québec;

(14) a document required in the case of a claim or dispute;

(15) a document required under sections 149 to 165 of the Act respecting land use planning and development (chapter A-19.1);

(16) a document relating to the changing of a speed limit or the installation of a traffic sign changing the speed limit in accordance with section 303.1 or 329 of the Highway Safety Code.

8. An assistant director, a service head or a division head is authorized to sign, for his or her sector of activities, the following documents:

(1) a contract for services, other than legal services, the amount of which does not exceed \$100,000;

(2) a technical services contract the amount of which does not exceed \$1 million;

(3) a supply contract for granular materials the amount of which does not exceed \$200,000;

(4) any other supply contract the amount of which does not exceed \$100,000;

(5) a construction contract the amount of which does not exceed \$100,000;

(6) a contract for the alienation of movable property the amount of which does not exceed \$100,000;

(7) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$100,000;

(8) a road permit;

(9) a permission for occupancy on immovable property granted by the Minister or in the Minister's favour;

(10) a notarized deed of acquisition or alienation of property, including the preliminary contract, the amount of which does not exceed \$100,000 and any transfer document made under section 11.5.1 of the Act respecting the Ministère des Transports (chapter M-28);

(11) a document required under an extracontractual claim the amount of which does not exceed \$5,000.

DIVISION IV **POWERS OF OTHER MEMBERS** **OF THE PERSONNEL**

9. A head of operations is authorized to sign, for his or her sector of activities, the following documents:

(1) a contract for services, other than legal services, the amount of which does not exceed \$25,000;

(2) a technical services contract the amount of which does not exceed \$1 million;

(3) a supply contract for granular materials the amount of which does not exceed \$200,000;

(4) a supply contract concerning the removal of natural materials the amount of which does not exceed \$100,000;

(5) any other supply contract the amount of which does not exceed \$25,000;

(6) a construction contract the amount of which does not exceed \$100,000;

(7) a contract for the alienation of movable property the amount of which does not exceed \$25,000;

(8) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$25,000;

(9) an authorization granting access to a road;

(10) an authorization for special events;

(11) a management permit;

(12) a document related to the issue or approval of an advertising permit issued under section 7 of the Roadside Advertising Act (chapter P-44);

(13) an authorization for the installation of a signal, a sign, an indication or a device on a public highway maintained by the Minister.

10. A service manager of the Centre de gestion de l'équipement roulant or a regional operations manager of the Centre de gestion de l'équipement roulant is authorized to sign, for his or her sector of activities, the following documents:

(1) a contract for services, other than legal services, the amount of which does not exceed \$25,000;

(2) a supply contract the amount of which does not exceed \$25,000;

(3) a construction contract the amount of which does not exceed \$25,000;

(4) a contract for the alienation of movable property the amount of which does not exceed \$25,000;

(5) a contract or an agreement for the supply of services and lease of equipment the amount of which does not exceed \$25,000.

11. A person responsible for supplies, a department manager of the Centre de gestion de l'équipement roulant or an employee of the Centre de gestion de l'équipement roulant assigned to machine shops is authorized to sign, for his or her sector of activities, the following documents:

(1) a technical services contract the amount of which does not exceed \$5,000;

(2) a supply contract the amount of which does not exceed \$5,000.

DIVISION V TERMS AND CONDITIONS OF SIGNING

12. The signature of the Minister of Transport may be affixed by means of an automatic device on the special permits issued under sections 463 and 633 of the Highway Safety Code (chapter C-24.2) or a facsimile of that signature may be engraved, lithographed or printed on those permits.

DIVISION VI FINAL

13. This Regulation replaces the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5).

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

103679

Gouvernement du Québec

O.C. 1238-2018, 17 August 2018

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

Fees for certain legal services rendered to bodies of the Government

Certain service contracts of public bodies —Amendment

Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation respecting certain service contracts of public bodies

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

WHEREAS, under section 23.1 of the Act, the Government may, if of the opinion that the public interest requires it and on the recommendation of the Conseil du trésor, enact a regulation relating to any of the objects set out in section 23 of the Act when the objects relate to a contract of a body described in section 7 of the Act;

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

WHEREAS the Government made the Tariff of fees for professional services provided to the Government by advocates or notaries (chapter C-65.1, r. 11), which provides in particular the methods of payment of fees, the maximum hourly rate that may be paid to an advocate or a notary based on experience, and the rules applicable to the reimbursement of expenses and expenditures incurred;

WHEREAS it is expedient to replace the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation

respecting certain service contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 9 May 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS, in accordance with sections 23 and 23.1 of the Act respecting contracting by public bodies, the recommendation of the Conseil du trésor was obtained;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation respecting certain service contracts of public bodies, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation respecting certain service contracts of public bodies

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1 and 7, ss. 23.1 and 24)

CHAPTER I SCOPE AND INTERPRETATION

1. Subject to the second paragraph, this Regulation applies to any contract for legal services provided by an advocate or notary to a public body subject to the Act respecting contracting by public bodies (chapter C-65.1), or to a body described in section 7 of the Act, except the bodies listed in Schedule I, regardless of the contract's amount.

This Regulation does not apply to a contract that was the subject of a call for tenders soliciting a price.

2. In this Regulation,

(1) “advocate” means a member of the Barreau du Québec;

(2) “notary” means a member of the Chambre des notaires du Québec;

(3) “body” means a public body subject to the Act respecting contracting by public bodies or a body described in section 7 of the Act, except the bodies listed in Schedule I.

CHAPTER II ESTABLISHMENT OF FEES

DIVISION I GENERAL

3. The fees of the advocate or notary are established, as the body may choose, on the basis of one of the following methods or a combination thereof:

- (1) the hourly rate method;
- (2) the percentage method;
- (3) the lump-sum method.

DIVISION II HOURLY RATE METHOD

4. The hourly rate method consists in computing the advocate's or notary's fees in relation to the time devoted to performing the contract by the advocate or notary and, if applicable, the persons who are requested by the advocate or notary to collaborate in the contract by reason of their position.

The hourly rates applicable to determine the fees vary according to the position, class and experience of each person working to perform the contract and may not exceed those provided for in Schedule II.

DIVISION III PERCENTAGE METHOD

5. The percentage method consists in computing the advocate's or notary's fees for the performance of a contract for the recovery of an amount, according to a percentage of the amount obtained.

The percentage is agreed upon between the parties to the contract or set by the body. In the latter case, in the case of a public body, the percentage must be set before the public body solicits the services of an advocate or notary pursuant to section 23 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4).

DIVISION IV LUMP-SUM METHOD

6. The lump-sum method consists in determining the advocate's or notary's fees according to a lump sum, which is computed from an estimate of the number of hours required to perform the contract, on the basis of the hourly rates provided for in Schedule II.

The lump sum is agreed upon between the parties to the contract or set by the body. In the latter case, in the case of a public body, the lump sum must be set before the public body solicits the services of an advocate or notary pursuant to section 23 of the Regulation respecting certain service contracts of public bodies.

The lump sum may include all or part of the expenses provided for in Chapter III which would be otherwise reimbursed in addition to the fees.

7. Where the lump-sum method is used, the contract must specify the services to be rendered, the expected results and the planned timetable.

CHAPTER III REIMBURSEMENT OF EXPENSES

8. Only the expenses, including travelling expenses, that are required to perform the contract and are authorized by the body may be reimbursed to the advocate or notary.

9. Expenses, including travelling expenses, are reimbursed on the terms and conditions stipulated in the contract, subject to the following and, where applicable, to what is provided for in section 10:

(1) the reimbursement must exclude the amount of taxes eligible for a refund or a credit to which the advocate or notary is entitled under a fiscal law;

(2) the reimbursement of expenses incurred by the advocate or notary to hire an external expert to assist in the performance of the contract is conditional on the prior written acceptance of the body;

(3) the body determines the supporting documents to be provided by the advocate or notary.

10. In the case of a contract of a public body referred to in subparagraph 1 or 2 of the first paragraph of section 4 of the Act respecting contracting by public bodies, travelling expenses incurred for the performance of the contract by the advocate or notary and, if applicable, the persons who are requested by the advocate or notary to collaborate in the contract by reason of their position are reimbursed in accordance with the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics made by the Conseil du trésor (C.T. 212379, 2013-03-26 and its amendments).

11. The body may elect to reimburse all or part of the expenses, including travelling expenses, according to a lump sum determined from an estimate of the expenses that would be reimbursed pursuant to the rules of this Chapter. If applicable, sections 8 to 10 apply to any expense that is not included in the lump sum.

CHAPTER IV PAYMENT

12. An advocate or notary is paid according to the progress of the work covered by the contract following the presentation of his or her bill of fees and expenses on a monthly basis or at another frequency stipulated in the contract.

A public body referred to in subparagraph 1 of the first paragraph of section 4 of the Act respecting contracting by public bodies may not pay the fees indicated in the bill before they are approved by the Minister of Justice.

CHAPTER V MISCELLANEOUS, TRANSITIONAL AND FINAL

13. Section 36 of the Regulation respecting certain service contracts of public bodies is amended

(1) by striking out "or 2";

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

"The consent mentioned in the first paragraph, given prior to entering into the legal service contract pertains to the choice of advocate or notary and to the fees that will be granted to him or her pursuant to the Regulation respecting the fees for certain legal services rendered to bodies of the Government and amending the Regulation respecting certain service contracts of public bodies made by Order in Council 1238-2018 dated 17 August 2018."

14. The parties to a legal service contract entered into before 13 September 2018 and in respect of which the Conseil du trésor authorized, pursuant to the second paragraph of section 25 of the Act respecting contracting by public bodies, an hourly rate greater than what is provided by the Tariff of fees for professional services provided to the Government by advocates or notaries (chapter C-65.1, r. 11) may, despite the decision by the Conseil du trésor, agree on a new hourly rate applicable to legal services provided under that contract after 12 September 2018 to the extent that the new rate does not exceed the rates provided for in Schedule II to this Regulation.

15. This Regulation replaces the Tariff of fees for professional services provided to the Government by advocates or notaries.

16. This Regulation comes into force on 13 September 2018.

SCHEDULE I (ss. 1 and 2)

Excluded bodies

- Autorité des marchés financiers;
- Caisse de dépôt et placement du Québec;
- Hydro-Québec;
- Investissement Québec;
- Société des alcools du Québec;
- Société des loteries du Québec;
- Société Innovatech du Grand Montréal;
- Société Innovatech du sud du Québec;
- Société Innovatech Québec et Chaudière-Appalaches;
- Société Innovatech Régions ressources.

SCHEDULE II (ss. 4 and 6)

Hourly rates according to the position, class and experience of the person working on the performance of a legal service contract

POSITION and CLASS	EXPERIENCE ¹	MAXIMUM HOURLY RATE (\$)
ADVOCATE OR NOTARY		
— Class 4	More than 15 years	300
— Class 3	11 to 15 years	250
— Class 2	6 to 10 years	200
— Class 1	0 to 5 years	135
LIBRARIAN ²		
— Class 4	More than 15 years	125
— Class 3	11 to 15 years	110
— Class 2	6 to 10 years	100
— Class 1	0 to 5 years	85
PARALEGAL		
— Class 4	More than 15 years	85
— Class 3	11 to 15 years	75
— Class 2	6 to 10 years	70
— Class 1	0 to 5 years	60

POSITION and CLASS	EXPERIENCE ¹	MAXIMUM HOURLY RATE (\$)
ARTICLING LAW STUDENT ³	55	
LAW STUDENT		
— at the École du Barreau or university (master's degree in notarial law)		50
— university (undergraduate or other master's level)		45

Notes

1. For an advocate or notary, the number of years of experience to be considered is the number of years on the roll of the Barreau du Québec or the Chambre des notaires du Québec; where applicable, the number of years on either of the rolls is cumulative. For a librarian or paralegal, the number of years of experience to be considered is the number of years worked in that capacity.
2. A librarian must hold a relevant master's degree, or a relevant bachelor's degree obtained before 1971, failing which the hourly rate applicable to his or her services is the rate for a paralegal, depending on the class corresponding to his or her experience.
3. Articling law students are future advocates and notaries who have completed their academic training and who serve an on-the-job training period under the supervision of an articling supervisor or applicants for admission to the profession of notary admitted to the professional training program provided for in Division II of the Règlement sur les conditions et modalités de délivrance des permis de la chambre des notaires du Québec (chapter N-3, r. 6.01).

103688

M.O., 2018

Order number 2018 011 of the Minister of Health and Social Service dated 15 August 2018

Funeral Operations Act
(2016, chapter 1, ss. 17 and 66)

Regulation respecting certain information and documents of the funeral industry

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 17 of the Funeral Operations Act (2016, chapter 1), which provides in particular that a funeral services business licensee may advertise the business to the public as offering funeral services not specified in the licence, provided the services are offered through another funeral services business licensee and that the licensees must, as soon as a contract has been entered into with such a provider, inform the Minister, in the manner determined by the Minister;

CONSIDERING section 66 of the Act, which provides in particular that the Minister may, in addition to the documents required under that section, prescribe any other information necessary to transport a body and that the documents and information required under subparagraphs 2 and 3 of the first paragraph of that section must be given by a person determined by ministerial regulation;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 9 May 2018, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of a draft Regulation respecting certain information and documents of the funeral industry with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING section 17 of the Regulations Act, which provides that a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made;

CONSIDERING that it is expedient to make the Regulation with amendment;

ORDERS AS FOLLOWS:

The Regulation respecting certain information and documents of the funeral industry, attached as a Schedule, is hereby made.

Québec, 15 August 2018

GAÉTAN BARRETTE
*Minister of Health and
Social Services*

Regulation respecting certain information and documents of the funeral industry

Funeral Operations Act
(2016, chapter 1, ss. 17 and 66)

CHAPTER I

CONTRACTS BETWEEN FUNERAL SERVICES BUSINESS LICENSEES

1. A funeral services business licensee who retains the services of another funeral services business licensee to offer funeral services not specified in the licensee's own licence must so inform the Minister in writing indicating the following information:

(1) the name and business number of the business whose services were retained;

(2) the services that will be performed by that other business.

The licensee must also inform the Minister in writing of any change to the information.

2. The information must be sent not later than 30 days after the signing of the contract.

CHAPTER II

DOCUMENT SPECIFYING THAT A BODY PRESENTS A PUBLIC HEALTH HAZARD

3. A document specifying that a body presents a public health hazard provided for in subparagraph 2 of the first paragraph of section 66 of the Funeral Operations Act must be completed by the person who draws up the attestation of death.

That person must indicate

(1) the nature of the hazard that the body presents to public health; and

(2) the preventive measures to be taken, where applicable.

CHAPTER III FINAL

4. This Regulation comes into force on 1 January 2019.

103687

M.O., 2018

Order number 2018-17 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 15 August 2018

Highway Safety Code
(chapter C-24.2)

Amendment to the Pilot project to exempt electric vehicles from paying a toll and extension of the Pilot project

THE MINISTER OF TRANSPORT, SUSTAINABLE MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING that, pursuant to section 633.1 of the Highway Safety Code (chapter C-24.2), the Minister conducted the Pilot project to exempt electric vehicles from paying a toll (chapter C-24.2, r. 39.3), the Pilot project being conducted from 1 January 2016 to 1 January 2019;

CONSIDERING that, under the third paragraph of section 633.1 of the Highway Safety Code, a pilot project conducted under that section is conducted for a period of up to three years, and the Minister may extend it by up to two years if the Minister considers it necessary and the Minister may, in addition, modify or terminate a pilot project at any time;

CONSIDERING that it is necessary to extend the Pilot project by two more years;

CONSIDERING that the Pilot project requires the presence of a pictogram on a registration plate and that the measure is no longer necessary to detect vehicles exempted from paying a toll and it is expedient to strike it out;

CONSIDERING that the Société de l'assurance automobile du Québec agrees with the proposed amendments;

CONSIDERING that, under the fourth paragraph of section 633.1 of the Highway Safety Code, the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under that section;

ORDERS AS FOLLOWS:

1. The Pilot project to exempt electric vehicles from paying a toll (chapter C-24.2, r. 39.3) is amended by striking out “and the electric vehicle pictogram in the lower left hand corner” in the second paragraph of section 2.

2. Section 5 is amended by striking out “and the green electric vehicle pictogram in the lower land hand corner”.

3. Section 7 is amended by replacing “2019” by “2021”.

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

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

103663

M.O., 2018**Order number 2018-18 of the Minister of Transport,
Sustainable Mobility and Transport Electrification
dated August 15, 2018**

Highway Safety Code
(chapter C-24.2)

Pilot project concerning electric scooters

THE MINISTER OF TRANSPORT, SUSTAINABLE
MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de l'assurance automobile du Québec, the Minister may, by order, authorize the implementation of pilot projects to study, test or innovate in respect of any matter relevant to the Code, that for the purposes of road safety, the Minister may in particular develop new rules on traffic or vehicle use and set the rules and conditions for the implementation of a pilot project, that the Minister may, as part of a pilot project, authorize any person or body to use a vehicle in compliance with the standards and rules prescribed by the Minister and that the provisions of a pilot project prevail over any inconsistent provision of the Code and its regulations;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides in particular that pilot projects are conducted for a period of up to three years, that the

Minister may modify or terminate a pilot project at any time and that the Minister may determine the provisions of an order made under the section the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000;

CONSIDERING the fifth paragraph of section 633.1 of the Code, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.1 of the Code and an order under the second or third paragraph of the section is published in the *Gazette officielle du Québec*;

CONSIDERING the fifth paragraph of section 21 of the Highway Safety Code, which provides in particular that no person shall put a vehicle into operation on a public highway if it is of a model or class that has been restricted to off-highway use by its manufacturer or importer;

CONSIDERING the fifth paragraph of section 31.1 of the Code, which provides in particular that no person shall put a vehicle back into operation on a public highway if it is of a model or class that has been restricted to off-highway use by its manufacturer or importer;

CONSIDERING the first paragraph of section 421.1 of the Code, which provides in particular that no person may drive on a public highway a road vehicle exempted from registration under paragraph 6 of section 14 of the Code, which covers a motorized scooter;

CONSIDERING the Government's guiding principle to promote electric transportation with the adoption of the Transportation Electrification Action Plan 2015-2020;

CONSIDERING that the use of electric scooters on public highways comes within the scope of the action plan;

CONSIDERING that the Société de l'assurance automobile du Québec was consulted on the implementation of the Pilot project concerning electric scooters;

CONSIDERING that it is expedient to authorize the implementation of the Pilot project concerning electric scooters;

ORDERS AS FOLLOWS:

**CHAPTER I
GENERAL**

1. The implementation of the Pilot project concerning electric scooters is authorized for the following purposes:

(1) the introduction of new technologies while ensuring road safety;

(2) testing the use of electric scooters on certain public highways;

(3) gathering information on the use of electric scooters on public highways to assess their integration into road traffic, develop safe traffic rules and set equipment standards for those vehicles.

2. The administration and assessment of this Pilot project are entrusted to the Société de l'assurance automobile du Québec.

3. Every electric scooter manufacturer or distributor is authorized to participate in this Pilot project to the extent that the electric scooters have the characteristics described in section 4 and the manufacturer or distributor applies to the Société to register the scooters in the Pilot project.

4. For the purposes of this Pilot project, “electric scooter” means a one-person motorized scooter ridden while standing up and that has the following characteristics:

(1) it is equipped with 2 wheels placed on the same longitudinal axis whose rim diameter is not less than 250 mm and a platform not less than 250 mm wide, not less than 300 mm long between the 2 wheels and not more than 150 mm from the ground, and has a wheelbase not less than 1 metre;

(2) it has no seat, surface or structure that could be used as a seat;

(3) it is equipped with an electric motor of not more than 500 watts that allows a maximum speed of 32 km/h and is supplied by a rechargeable battery by connecting to the electric network and with an automatic transmission;

(4) it is equipped with a handlebar that acts directly on the steerable wheel;

(5) it is equipped with a brake system that acts independently on the steerable wheel and the back wheel using separate hand levers;

(6) it is equipped with an emergency stop switch to cut supply to the motor in case of failure of the scooter's control system;

(7) it is equipped with 2 turn signals, yellow or white, placed at the front and 2 turn signals, red or yellow, placed at the rear or 2 yellow turn signals, visible from the front and from the rear;

(8) it weighs not more than 45 kg including the weight of the battery;

(9) it bears the manufacturer's compliance label provided for in regulations under the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16) and complies with the standards applicable to a restricted-use motorcycle provided for in those regulations.

CHAPTER II OBLIGATIONS OF ELECTRIC SCOOTER MANUFACTURERS AND DISTRIBUTORS

5. The electric scooter manufacturer or distributor participating in this Pilot project must affix to electric scooters registered in the Pilot project a label indicating that the scooter is registered in the Pilot project.

The label must be affixed to each side of the scooter.

6. The electric scooter manufacturer or distributor participating in this Pilot project must provide to the users of electric scooters, at the time they take possession of the scooters, training appropriate to the riding of an electric scooter. The training must include a theoretical component that provides in particular information on the Pilot project and the rules and obligations provided for in this Pilot project that apply to them. The training must also include a practical component.

The electric scooter manufacturer or distributor must, after having provided the training referred to in the first paragraph, give the users an attestation of their participation in the training.

CHAPTER III CONDITIONS FOR RIDING AN ELECTRIC SCOOTER

7. Any person may ride an electric scooter on public highways if the person

(1) is at least 18 years of age;

(2) has received the appropriate training from the manufacturer or distributor of the electric scooter registered in the Pilot project; and

(3) has with him or her, while riding an electric scooter on public highways, a document certifying that the person participated in the training referred to in the first paragraph of section 6 and, at the request of a peace officer, remits the document for examination.

CHAPTER IV PROVISIONS APPLICABLE TO THE PILOT PROJECT

DIVISION I GENERAL

8. Unless otherwise provided in this Pilot project, the Highway Safety Code (chapter C-24.2) and its regulations applicable to cyclists apply to electric scooter riders, with the necessary modifications.

More specifically, the rider of an electric scooter must wear the safety helmet provided for in paragraph 2 of section 492.2 of the Code and, at the request of a peace officer, allow the peace officer to examine the safety helmet.

In case of conflict, the provisions of this Pilot project prevail over any inconsistent provision of the Code and its regulations.

9. Unless otherwise provided in this Pilot project, the Highway Safety Code (chapter C-24.2) and its regulations applicable to bicycles apply to electric scooters, with the necessary modifications.

In case of conflict, the provisions of this Pilot project prevail over any inconsistent provision of the Code and its regulations.

10. The obligations of drivers of road vehicles and of pedestrians with respect to cyclists referred to in the Highway Safety Code (chapter C-24.2) and its regulations also apply with respect to electric scooter riders, with the necessary modifications.

11. For the purposes of this Pilot project, an electric scooter is excluded from the definition of “road vehicle” provided for in section 4 of the Highway Safety Code (chapter C-24.2).

DIVISION II OBLIGATIONS IN CASE OF ACCIDENT

12. Title IV of the Highway Safety Code (chapter C-24.2) applies, except sections 174 and 176, to the rider of an electric scooter involved in an accident, with the necessary modifications.

The rider must call for a peace officer both for an accident in which a person has sustained bodily injury and for an accident that caused property damage.

DIVISION III ROAD AND TRAFFIC SIGNS AND SIGNALS AND TRAFFIC RULES

13. An electric scooter registered in this Pilot project is considered to be a bicycle for the purposes of Titles VII and VIII of the Highway Safety Code (chapter C-24.2).

14. No person may ride an electric scooter on a public highway with a permitted speed greater than 50 km/h, except to cross an intersection equipped with traffic lights or stop signs, or at a traffic circle.

15. The person responsible for the maintenance of a public highway may, by means of the proper signs or signals, regulate electric scooter traffic in a cycle lane.

16. The rider of an electric scooter is prohibited from transporting passengers, pulling a trailer or pulling or pushing any other object.

17. For the purposes of section 490 of the Highway Safety Code (chapter C-24.2), the rider of an electric scooter must signal the intention to turn by using the turn signals on the scooter.

Despite the foregoing, where the signals are defective, the rider must follow the prescriptions of that section after immobilizing the scooter.

18. Riding an electric scooter that has undergone modifications so that it no longer has all the characteristics referred to in section 4 is prohibited.

DIVISION IV OFFENCES

19. Every person who contravenes any of sections 7, 14, 16 and 18 commits an offence and is liable to a fine of \$200 to \$300.

CHAPTER V GATHERING AND COMMUNICATION OF INFORMATION

20. The manufacturer or distributor of electric scooters registered in this Pilot project must inform the Société of any road accident involving an electric scooter and of any event that jeopardized the safety of the rider of an electric scooter and other road users within 7 days after becoming aware of the fact.

21. The manufacturer or distributor of electric scooters registered in this Pilot project must send to the Société, not later than 30 days after the end of a quarter, a report containing

(1) the number of electric scooters registered in the Pilot project;

(2) a summary of road accidents involving electric scooters registered in the Pilot project;

(3) the number of complaints received, the subjects of the complaints and the measures taken to remedy the situation; and

(4) any other element essential for the follow-up and assessment of this Pilot project.

For the purposes of this section, the first quarter begins at the time the electric scooters of the manufacturer or distributor are registered in this Pilot project.

22. The advertising and promotion of this Pilot project must be authorized by the Société.

CHAPTER VI MISCELLANEOUS AND FINAL

23. Section 421.1 of the Highway Safety Code (chapter C-24.2) is suspended for the purposes of this Pilot project.

24. This Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on the day of the third anniversary of its coming into force.

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

103662

M.O., 2018

Order number 2018-19 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated August 15, 2018

Highway Safety Code
(chapter C-24.2)

Parking of motorcycles or mopeds in spaces reserved for handicapped persons

THE MINISTER OF TRANSPORT, SUSTAINABLE
MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport, Sustainable Mobility and Transport

Electrification may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that that section also provides that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety;

CONSIDERING that that section also provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.2;

CONSIDERING that it is expedient to suspend the requirement to hang the identification sticker from the rear-view mirror of a road vehicle when the vehicle is a motorcycle or a moped and that the sticker is affixed to the licence plate on the vehicle;

CONSIDERING that the Minister deems that the suspension of that requirement is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Société de l'assurance automobile du Québec was consulted and was favourable to the suspension of that requirement;

ORDERS AS FOLLOWS:

1. The application of paragraph 5 of section 8 of the Regulation respecting identification stickers for parking spaces reserved for handicapped persons (chapter C-24.2, r. 52) is suspended where a motorcycle or moped, carrying a licence plate on which a self-adhesive identification sticker is affixed in the upper right corner, is stopped in a parking space reserved for handicapped persons.

2. To obtain a self-adhesive identification sticker and the attestation certificate accompanying it, a natural person must

(1) be the owner of a motorcycle or moped;

(2) submit an application to obtain a self-adhesive identification sticker for the vehicle to the Société de l'assurance automobile du Québec, on the form provided by the Société, entering the person's name, address, telephone number, date of birth, number appearing on the licence plate of the vehicle and, where applicable, driver's licence number;

(3) meet the conditions provided for in paragraph 2 of section 2 of the Regulation respecting identification stickers for parking spaces reserved for handicapped persons (chapter C-24.2, r. 52) or be the holder of an identification sticker; and

(4) pay the fee payable provided for in section 9 of the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects (chapter C-24.2, r. 27) to obtain an identification sticker.

Where the person meets all the conditions, the Société issues a self-adhesive identification sticker for the vehicle accompanied by the attestation certificate.

3. Despite section 9 of the Regulation respecting identification stickers for parking spaces reserved for handicapped persons (chapter C-24.2, r. 52) and any information to the contrary on the issue, renewal or replacement of the self-adhesive identification sticker and the attestation certificate accompanying it, the self-adhesive identification sticker issued by the Société under section 2 and the attestation certificate accompanying it are valid

(1) in the case where the person already holds an identification sticker, until the expiry date of the sticker if that date is before 31 December 2023; or

(2) in other cases, until 31 December 2023.

4. This Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on 31 December 2023.

Québec, 15 August 2018

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

103664

M.O., 2018

Order number AM 2018-011 of the Minister of Forests, Wildlife and Parks dated 7 August 2018

An Act respecting the conservation and development of wildlife (chapter C-61.1)

CONCERNING the Regulation to amend the Regulation respecting hunting

THE MINISTER OF FORESTS, WILDLIFE AND PARKS,

CONSIDERING the second paragraph of section 56 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provides that the Minister may, by regulation, allow the hunting and trapping of any animal or any animal of a class of animals determined by the Minister;

CONSIDERING subparagraphs 1 to 3 of the third paragraph of section 56 of the Act, which provides that the regulations may also determine, on the basis of sex or age, what animal or animal of a class of animals may be hunted, the period of the year, day or night during which the animal may be hunted or trapped and the area, territory or place in which the animal may be hunted or trapped;

CONSIDERING subparagraph 1 of the first paragraph of section 163 of the Act, which provides that the Minister may make regulations determining classes of licences, certificates, authorizations and leases, as well as their content and duration and the conditions for their issue, replacement, renewal or transfer;

CONSIDERING the first paragraph of section 164 of the Act, which provides in particular that a regulation made under section 56 or under subparagraphs 1 to 3 of the first paragraph of section 163 is not subject to the publication requirements under section 8 of the Regulations Act (chapter R-18.1);

CONSIDERING the making of the Regulation respecting hunting (chapter C-61.1, r. 12);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting hunting, attached hereto, is hereby made.

Québec, on 7 August, 2018

LUC BLANCHETTE,
*The Minister of Forests,
Wildlife and Parks*

Regulation to amend the Regulation respecting hunting

An Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 56, 2nd par., 3rd par., subpars. 1 to 3, s. 163, 1st par., subpar. 1)

1. The Regulation respecting hunting (chapter C-61.1, r. 12) is amended in section 12 by striking out “for the licence” in the first paragraph.

2. Section 13.7 is amended by inserting the following after subparagraph *f* of subparagraph 3 of the first paragraph:

“(g) “Wild turkey”.”.

3. Section 17 is amended in the second paragraph

(1) by inserting “, except in the Bas-Saint-Laurent, Chapais and Owen controlled zones, where the hunting of moose with antlers not less than 10 cm is permitted in 2018” at the end of subparagraph 1;

(2) by inserting “, except in the Bas-Saint-Laurent, Chapais and Owen controlled zones, where the hunting of moose is permitted in 2019” at the end of subparagraph 2.

4. Schedule III is amended by replacing “27” and “5” in subparagraph *a.1* of column IV of paragraph 3 of section 1 by “25” and “3”, respectively.

5. Schedule IV is amended by replacing “27” and “5” as regards type of implement 11 in section 1 with respect to Zec “Petawaga” in the hunting season by “25” and “3”, respectively.

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

Draft Regulations

Draft Regulation

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

Financial assistance for education expenses — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting financial assistance for education expenses, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to index certain amounts allocated as exemptions or allowable expenses in the calculation of financial assistance for education expenses as well as the maximum amount of a loan that may be granted for a year of allocation.

It also amends the Regulation to reflect the introduction of the Aim for Employment Program established by the Individual and Family Assistance Act (chapter A-13.1.1), as amended by the Act to allow a better match between training and jobs and to facilitate labour market entry (2016, chapter 25).

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

Further information on the draft Regulation may be obtained by contacting Simon Boucher-Doddridge, Director, Direction de la planification et des programmes, Ministère de l'Éducation et de l'Enseignement supérieur, 1035, rue De La Chevrotière, 20^e étage, Québec (Québec) G1R 5A5; telephone: 418 643-6276, extension 6085; email: simon.boucher-doddridge@education.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister responsible for Higher Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

HÉLÈNE DAVID,
*Minister responsible
for Higher Education*

Regulation to amend the Regulation respecting financial assistance for education expenses

An Act respecting financial assistance
for education expenses

(chapter A-13.3, s. 57)

1. The Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended in section 2 by replacing “\$1,142” in the second paragraph by “\$1,151”.

2. Section 9 is amended by replacing “\$1,142” in subparagraph 2 of the second paragraph by “\$1,151”.

3. Section 17 is amended

(1) by replacing “\$3,042” in paragraph 1 by “\$3,067”;

(2) by replacing “\$2,582” in paragraph 2 by “\$2,603”.

4. Section 18 is amended by replacing “\$2,582” by “\$2,603”.

5. Section 22 is amended by replacing “a student who has “ in the third paragraph by “a student who is deemed to pursue full-time studies owing to “.

6. Section 26 is amended

(1) by inserting “or an Aim for Employment benefit” in subparagraph 1 of the first paragraph after “last resort financial assistance”;

(2) by replacing “\$278” in the second paragraph by “\$280”.

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

(1) “\$191”;

(2) “\$191”;

(3) “\$216”;

(4) “\$412”;

(5) “\$471”;

(6) “\$216”.

8. Section 32 is amended

(1) by replacing “\$424” and “\$906” in the first paragraph by “\$427” and “\$913”, respectively;

(2) by replacing “\$190”, “\$234”, “\$672” and “\$234” in the second paragraph respectively by “\$191”, “\$236”, “\$677” and “\$236”, respectively.

9. Section 33 is amended

(1) by replacing “\$172” in the first paragraph by “\$173”;

(2) by replacing “\$475” in the second paragraph by “\$479”.

10. Section 34 is amended by replacing “\$279” and “\$1,297” in the first paragraph by “\$281” and “\$1,308”, respectively.

11. Section 35 is amended by replacing “\$96” in the second paragraph by “\$97”.

12. Section 37 is amended by replacing “\$254” in the fifth paragraph by “\$256”.

13. Section 40 is amended by replacing “\$74” and “\$592” in the first paragraph by “\$75” and “\$600”, respectively.

14. Section 41 is amended by replacing “\$188” by “\$190”.

15. Section 50 is amended

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

(1) “\$14,840”;

(2) “\$14,840”;

(3) “\$17,935”;

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

(1) “\$3,999”;

(2) “\$5,061”;

(3) “\$6,129”.

16. Section 51 is amended

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

(1) “\$208”;

(2) “\$228”;

(3) “\$316”;

(4) “\$419”;

(5) “\$419”;

(2) by replacing “\$323” in the third paragraph by “\$326”.

17. Section 52 is amended by replacing “\$977” by “\$985”.

18. Section 74 is amended by replacing “\$254” and “\$126” in the second paragraph by “\$256” and “\$127”, respectively.

19. Section 82 is amended by replacing “\$3,042” and “\$2,278” in the third paragraph by “\$3,067” and “\$2,297”, respectively.

20. Section 86 is amended

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

(1) “\$2.27”;

(2) “\$3.39”;

(3) “\$120.54”;

(2) by replacing “\$11.26” in the second paragraph by “\$11.35”.

21. Section 87.1 is amended by replacing “\$385” by “\$388”.

22. Section 96 is amended by inserting “or an Aim for Employment benefit” in the second paragraph after “last resort financial assistance”.

23. This Regulation applies as of the 2018-2019 year of allocation, except section 5 which apply as of the 2019-2020 year of allocation, and paragraph 1 of section 6 and section 22, which apply as of the coming into force of this Regulation.

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

103680

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Dump body safety devices

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

The draft Regulation determines the maximum height, when the dump body is raised, of heavy vehicles with a dump body above which that type of vehicle must be equipped with a flashing red warning light and an audible warning device which must activate automatically when the dump body is not completely lowered. It also provides for standards applicable to those mandatory safety devices.

The measures proposed by the draft Regulation have no special impact on the public other than improving the safety of persons and property on highways.

The measures proposed by the draft Regulation will result in additional expenses of \$500 to \$600 per vehicle for enterprises that own that type of vehicle not already equipped with those safety devices.

Further information may be obtained by contacting Mark Baril, Direction générale de l'expertise légale et de la sécurité des véhicules, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, E-4-34, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-3503; fax: 418 643-0828; email: mark.baril@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Dave Leclerc, Vice-President, Public Affairs and Road Safety Strategy, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-9, case postale 19600, succursale Terminus, Québec (Québec)

G1K 8J6. The comments will be forwarded by the Société to the Minister of Transport, Sustainable Mobility and Transport Electrification.

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

Regulation respecting dump body safety devices

Highway Safety Code
(chapter C-24.2, s. 257.1 and s. 621, 1st par., subpar. 11.1; 2018, chapter 7, s. 52 and s. 164, par. 2)

1. The maximum height above which a heavy vehicle with a dump body must be equipped with the flashing red warning light and audible warning device provided for in section 257.1 of the Highway Safety Code (chapter C-24.2), enacted by section 52 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), when the dump body is raised, is 4.15 m.

2. The flashing red warning light referred to in section 1 must have the following characteristics:

(1) be placed in the upper part of the dashboard of the vehicle or on the dashboard as close as possible to the vehicle driver's line of sight while seated in the normal driving position and looking straight ahead;

(2) have a flash rate between 60 and 120 times per minute;

(3) have a light intensity sufficient to be easily visible by day, even at the minimum intensity in the case of a warning light with variable intensity;

(4) be activated automatically as soon as the key-operated control to start the vehicle is in the "on" position when the dump body is not completely lowered and remain on until the dump body is completely lowered.

3. The audible warning device referred to in section 1 must have the following characteristics:

(1) emit a continuous sound or an intermittent sound at a frequency that is between 60 and 120 times per minute;

(2) emit a sound sufficiently high to be easily audible by the driver of the vehicle in any situation;

(3) be activated automatically as soon as the key-operated control to start the vehicle is in the “on” position when the dump body is not completely lowered and remain on until the dump body is completely lowered.

Despite subparagraph 3 of the first paragraph, the audible warning device may be designed to turn off automatically after at least 2 seconds of operation and remain turned off until the vehicle reaches a speed of not more than 20 km/h. Over that speed, it must be activated automatically again.

4. This Regulation comes into force on 18 April 2019.

103681

Draft Regulation

Transport Act
(chapter T-12)

Bus transport — Amendment

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

The draft Regulation exempts from the requirement to hold a bus transport licence issued by the Commission des transports du Québec persons who provide transport services under a contract granted by an institution to which the Act respecting health services and social services (chapter S-4.2) applies for the beneficiaries under the contract.

Study of the matter has shown that the amendments have no financial impact on enterprises, including small and medium-sized businesses, and add no new administrative formality.

Further information on the draft Regulation may be obtained by contacting Jean Sicard, Direction générale du transport terrestre des personnes, Ministère des Transports, de la Mobilité durable et de l'Électrification des transports, 700, boulevard René-Lévesque Est, 15^e étage, Québec (Québec) G1R 5H1; telephone: 418 644-9140, extension 22228; email: jean.sicard@transports.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Martin Breault, director

general, Direction générale du transport terrestre des personnes, Ministère des Transports, de la Mobilité durable et de l'Électrification des transports, 700, boulevard René-Lévesque Est, 15^e étage, Québec (Québec) G1R 5H1.

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

Regulation to amend the Bus Transport Regulation

Transport Act
(chapter T-12, s. 5, par. c)

1. The Bus Transport Regulation (chapter T-12, r. 16) is amended in section 3 by inserting the following after paragraph 2:

“(2.1) transport under a contract granted by an institution to which the Act respecting health services and social services (chapter S-4.2) applies for the beneficiaries under the contract;”.

2. Section 7 is revoked.

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

103682

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

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