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Part

2

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Laws and Regulations

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Summary

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Contents

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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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Regulations and other Acts

M.O., 2018

Order number 2018 016 of the Minister of Health and Social Services dated 4 October 2018

An Act respecting the sharing of certain health information (chapter P-9.0001)

Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING paragraph 7 of section 65 of the Act respecting the sharing of certain health information (chapter P-9.0001), which provides that any other person determined by regulation of the Minister may be access authorization managers;

CONSIDERING section 70 and paragraph 2 of section 121 of the Act, which provide that the Minister determines by regulation the access authorizations that may be assigned to a provider listed in section 69 of the Act, according to the professional order to which the provider belongs, the provider's specialty or duties, or the information asset to which the provider is entitled to have access;

CONSIDERING section 72 and paragraph 3 of section 121 of the Act, which provide that the Minister determines by regulation the access authorizations that may be assigned to a body identified in section 96 of the Act, according to the services the body provides or the information asset to which the body is entitled to have access;

CONSIDERING the second paragraph of section 105.1 of the Act, which provides in particular that the provisions of the Act that apply to the access authorization manager apply, with the necessary modifications, to the president of the Collège des médecins du Québec and to the president of the Ordre des pharmaciens du Québec and the provisions applicable to an authorized provider apply to an inspector, investigator or syndic referred to in that section;

CONSIDERING section 110 and paragraph 5 of section 121 of the Act, which provide that the Minister may make regulations to prescribe how long the health information that is held in a health information bank in a clinical domain is used, which may vary depending on the case, conditions and circumstances, the clinical domain concerned, the information identified or the purpose specified in the regulation;

CONSIDERING that the Minister made the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain (chapter P-9.0001, r. 1);

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain 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 Minister on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain with amendments;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain, attached as a Schedule, is hereby made.

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

Regulation to amend the Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain

An Act respecting the sharing of certain health information
(chapter P-9.0001, s. 65, par. 7, ss. 70, 72, 105.1, 110 and 121, pars. 2, 3 and 5)

1. The Regulation respecting access authorizations and the duration of use of information held in a health information bank in a clinical domain (chapter P-9.0001, r. 1) is amended by inserting the following after Division I:

“DIVISION 0.1

OTHER PERSONS WHO MAY BE ACCESS AUTHORIZATION MANAGERS

0.1. In addition to what is provided in section 65 of the Act, a person operating a pharmacist placement agency and who has a supervisory or managerial power towards pharmacists who have a status of employee of that agency may be an access authorization manager.

For the purposes of this Regulation, “pharmacist placement agency” means an enterprise whose activities consist in providing pharmacist placement or temporary help services to pharmacies the owner of which is a pharmacist subject to the application of an agreement described in section 19 of the Health Insurance Act (chapter A-29).”

2. The following is added after subparagraph 3 of the first paragraph of section 1:

“(4) the hospitalization domain.”.

3. The following is added after subparagraph 3 of the first paragraph of section 2:

“(4) the hospitalization domain.”.

4. The following is inserted after section 9:

“**9.1.** An inspector, an investigator or a syndic referred to in section 192 of the Professional Code (chapter C-26) acting for the Collège des médecins du Québec or for the Ordre des pharmaciens du Québec may be assigned access authorizations allowing them to receive health information held in the health information banks in the following clinical domains:

- (1) the medication domain;
- (2) the laboratory domain;
- (3) the medical imaging domain;
- (4) the hospitalization domain.

Such a provider may also be assigned access authorizations allowing the provider to receive information of prescriptions held in the electronic prescription management system for medication.”.

5. Section 11 is amended

(1) by adding the following after subparagraph 3 of the first paragraph:

“(4) the hospitalization domain, provided that the institution operates a hospital centre.”;

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

“(4) the hospitalization domain.”.

6. The following is added after subparagraph 3 of the second paragraph of section 12:

“(4) the hospitalization domain.”.

7. The following is added after paragraph 3 of section 15:

“(4) the hospitalization domain.”.

8. Section 16 is revoked.

9. Section 19 is amended by replacing “5” by “7”.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 2 and 3, section 4, to the extent where it enacts subparagraph 4 of the first paragraph of section 9.1 of the Regulation, sections 5, 6 and 7, which come into force on the date of coming into force of section 45 of the Act respecting the sharing of certain health information (chapter P-9.0001).

103719

Draft Regulations

Draft Regulation

Cannabis Regulation Act
(2018, chapter 19)

Training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale

Notice is hereby given, in accordance with section 10 of the Regulations Act (chapter R-18.1) and section 113 of the Cannabis Regulation Act (2018, chapter 19, section 19), that the Regulation respecting training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale, appearing below, may be made by the Minister of Health and Social Services on the expiry of 20 days following this publication.

The draft Regulation determines the training that cannabis sales employees working in retail outlets of the Société québécoise du cannabis must receive. It provides for the guidelines and the components of that training and the conditions of its update. It also states that the training is developed by the Minister of Health and Social Services and the Société québécoise du cannabis, and is offered by the latter.

Lastly, the draft Regulation provides for the information that the Société québécoise du cannabis must communicate to a purchaser in the course of a cannabis sale.

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

Further information on the draft Regulation may be obtained by contacting Yovan Fillion, Director, Direction québécoise de la légalisation du cannabis, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1S 2M1; telephone: 418 266-8364; email: yovan.fillion@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 20-day period to the Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

LUCIE CHARLEBOIS,
*Minister for Rehabilitation,
Youth Protection, Public Health
and Healthy Living*

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

Regulation respecting training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale

Cannabis Regulation Act
(2018, chapter 19, ss. 19, 30 and 31, 2nd par.)

DIVISION I

TRAINING ON THE RETAIL SALE OF CANNABIS

1. Training on the retail sale of cannabis referred to in section 30 of the Act is training that meets the following conditions:

(1) it is developed by the Minister and the Société québécoise du cannabis and its content complies with the guidelines and includes the components provided for in Schedule I;

(2) it is offered by the Société.

2. To maintain the validity of their certificate, cannabis sales employees must successfully complete all refresher training activities determined by the Minister in cooperation with the Société québécoise du cannabis, within the time and according to the terms determined by the latter.

DIVISION II

INFORMATION TO BE COMMUNICATED TO A PURCHASER

3. In the course of a cannabis sale, the Société québécoise du cannabis must provide a purchaser with a document that contains all the information provided for in Schedule II.

The document is provided in paper form, unless it is a sale over the Internet.

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

SCHEDULE I

(Section 1)

**TRAINING ON THE RETAIL SALE
OF CANNABIS****Training guidelines**

1. Adopt a balanced approach to avoid both trivializing and dramatizing the use of cannabis and its consequences.
2. Focus on the importance of communicating accurate information based on scientific facts, in particular with respect to the information communicated to purchasers regarding the effects of the products.
3. Promote the identification of reliable sources of information regarding cannabis and focus on the importance for both the sales employee and the purchaser to take a critical look at certain other sources of information, in particular those from the cannabis industry.
4. Position the role of cannabis sales employees on providing advice and support to purchasers so they can make informed choices, while also explaining the risks of such products, and making recommendations to reduce them.
5. Advocate, as much as possible, in the context of the sale, the occasional use of cannabis and the use of products with low concentrations of tetrahydrocannabinol (THC) that contain cannabidiol (CBD).
6. Clearly specify that individuals who want to use cannabis for therapeutic purposes or who ask for advice on health problems or the possible interaction between cannabis and their medication must be referred to a health professional.
7. Ensure that cannabis sales employees fully understand the legislative framework regarding cannabis, in particular regarding the refusal to sell to a minor or to a person of full age who is purchasing for a minor.

Training components**— Introduction to cannabis botany**

- A— Components and constituents of the plant;
- B— Where cannabis comes from (cultivation and production).

— Analysis

- A— Testing of cannabinoids and terpenes;
- B— Analysis of pesticides and contaminants.

— Guidelines to reduce the risks related to cannabis consumption

- A— Risk reduction principles;
- B— Risks associated with cannabis use.

— Cannabis consumers

- A— Consumption profile;
- B— Portrait of consumers and destigmatization;
- C— Approach respecting the mission of the Société québécoise du cannabis.

— Cannabis pharmacology

- A— Route of administration;
- B— Effects and duration;
- C— Understanding THC and CBD levels (% , mg, etc.).

— Cannabis products

- A— Different types of cannabis products;
- B— Methods of administration and associated properties.

— Consumer approach

- A— Interactions and consumer behaviour;
- B— Understanding the needs and requests of consumers;
- C— Helping consumers make informed choices;
- D— Familiarization with labelling and product information;
- E— Warnings;
- F— Cannabis and alcohol;
- G— Cannabis and other substances.

— Navigating information on cannabis products

A– Sources of information.

— Understanding the law

A– Review of cannabis laws and regulations;

B– Framework of federal and provincial laws;

C– Verification of age.

SCHEDULE II

(Section 3)

CONSUMER INFORMATION**WHAT IS CANNABIS?**

Cannabis consumption affects several functions of the body and central nervous system. Natural in origin, cannabis is composed of more than 500 different substances, the main ones being

— tetrahydrocannabinol (THC): a psychoactive substance that causes a “high”;

— cannabidiol (CBD): a non-psychoactive substance that may alleviate certain adverse effects of THC. CBD is also currently being studied for its potential therapeutic uses.

Also worthy of mention is the presence of terpenes, the substances that provide cannabis with its aromatic properties.

All the effects of the various substances contained in cannabis are not yet known. Each person reacts differently and several factors influence the consumption experience: the person’s physical and mental state, the product and quantity consumed, and the context in which it is used.

CANNABIS CONSUMPTION – CERTAIN FACTS TO BE AWARE OF

Cannabis consumption has health and safety risks. It remains difficult to predict whether or not an individual will experience significant problems after using cannabis. In short, experts agree that cannabis use is never completely safe.

HOW TO USE RESPONSIBLY AND REDUCE HEALTH AND SAFETY RISKS**Use cannabis on an occasional basis**

Using cannabis regularly (every day or almost every day) increases the risks to your health, performance at work or school, and to your social life. There is a time for everything. Keep in mind that cannabis affects your perception, concentration and coordination.

Choose quality products and identify your limits

Try to use natural products with a low THC concentration and that contain CBD. Wait until you feel the effects of the products before considering consuming again. Extremely high THC concentrations may cause effects that are too intense and make you feel unwell (for example: pulse rate increase, anxiety, disorientation).

By choosing the legal market, you will obtain products that are subject to quality controls, whether for THC and CBD concentrations or the presence of pesticides and mould.

Go easy with edible products that you prepare and eat

Edible cannabis products are not harmful to your lungs. However, it is difficult to estimate the quantities of absorbed THC and CBD. Also, their effects take longer to be felt and last longer. Start with a low dose of THC and avoid consuming more within the next 2 to 3 hours, so as to reduce the risks of overdose.

Store edible products in a secure location so that children or household pets will not ingest them by accident.

Protect your lungs

If you smoke, do not hold the cannabis smoke in your lungs. Taking a big puff and keeping it in as long as possible does not increase your “high”, it will only extend the time your lungs are exposed to the toxic substances.

It is possible to vaporize certain forms of cannabis. Although it is not without risk, it produces less toxic substances and odours since the cannabis is heated and not burned.

Be considerate toward your family and loved ones

Do not expose them to second-hand cannabis smoke.

Do not drive or operate machinery after using cannabis

Identify a solution to return home: designate a sober driver, call a cab or use public transportation when you choose to use cannabis.

Even if you try to be careful, cannabis increases your reaction time and reduces your attention span. You run the risk of being involved in an accident, moreover, the risk is multiplied if you use alcohol at the same time.

Be wary of mixing

Mixing cannabis with alcohol increases the effects of either substance, to the point of making you sick, dizzy or vomit.

Mixing cannabis with tobacco should also be avoided. It can multiply the effects and have greater consequences on your health, not to mention that tobacco is a highly addictive product.

Cannabis and medication? There could be interactions with any medication you are taking.

Talk to a health professional, such as your pharmacist, to find out more.

SHOULD YOU REFRAIN FROM USING CANNABIS?

If you are an adolescent or a young adult, you should put off your first use of cannabis for as long as possible. The younger you start using cannabis, especially before the age of 16, the greater the risks.

If you or a member of your immediate family has a history of psychosis or addiction, you should reconsider using. The risk of having problems associated with cannabis is much higher.

If you are pregnant or breastfeeding, you should avoid using during that period. The substances contained in cannabis pass through the placenta and breast milk. Using cannabis can adversely affect infant development.

MORE ABOUT CERTAIN HEALTH AND SAFETY RISKS

Cognitive functions: Regular cannabis use reduces short-term memory, attention span, concentration and the ability to organize, integrate and process complex information.

Accidents and injuries: Cannabis affects the functions necessary to drive a motor vehicle and operate machinery. It increases reaction time and reduces attention span, the ability to maintain a trajectory and vigilance. The impairment caused by cannabis doubles the risk of road accidents.

Respiratory system: Regular cannabis smokers cough more and have more secretions and symptoms of chronic bronchitis. Cannabis smoke is harmful and contains more tar than tobacco smoke.

Prenatal exposure: Using cannabis during pregnancy could cause the child to experience certain developmental delays.

Mental health problems: Regular use of cannabis may affect mental health. It may trigger schizophrenia prematurely or other psychoses in individuals with a personal or family history of mental health problems.

Addiction: Cannabis addiction affects approximately 1 out of 10 users. Daily consumption increases the risk to 1 out of 4 persons, and sometimes even 1 out of 2 persons.

CANNABIS AND HIGHWAY SAFETY

In Québec, it is prohibited to drive a vehicle after consuming cannabis, whether or not the driver is impaired.

REMINDER OF CERTAIN RULES

Remember that:

- the maximum quantity of cannabis that you may possess and carry in a public place is 30 grams;
- in locations other than public places, a person of full age may not possess more than 150 grams in total;
- in a private residence, it is prohibited to possess more than 150 grams in total, regardless of the number of adults living there;
- cannabis must be safely stored and not be easily accessible to minors.

It is not permitted to enter or leave the country with cannabis. Be vigilant, even the simple smell of cannabis could cause you problems when going through customs.

Also make sure you fully understand the rules that apply in the provinces, territories and municipalities you travel to.

FOR FURTHER INFORMATION OR ASSISTANCE

For further information on cannabis, please visit www.encadrementcannabis.gouv.qc.ca.

If you experience a health problem after using cannabis or need advice or references, please contact Info-Santé (free and confidential telephone consultation service) at 8-1-1.

To reduce or stop cannabis use

Cannabis users may wish to ease off or quit. Some people may feel the need for professional help. Here are the services available:

— Telephone service: Drugs: Help and Referral (available at all times, free, anonymous and confidential) at 1 800 265-2626.

— Telephone service: Info-Social (available at all times, free, anonymous and confidential) at 8-1-1.

— Integrated Health and Social Services Centres: Those centres provide, in every region, free services for individuals who want to reduce or stop using cannabis. Contact your CLSC or visit sante.gouv.qc.ca/repertoire-ressources/clsc/.

— Community or private resources offering addiction lodging: To find a resource, consult the directory of resources at www.msss.gouv.qc.ca/repertoires/dependances/.

103718

Decisions

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer —Counting of advance poll ballots

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the counting of advance poll ballots

WHEREAS order-in-council number 1267-2018, issued on August 23, 2018, enjoined the Chief Electoral Officer to hold general elections in Québec on October 1st, 2018;

WHEREAS the number of people voting in the advance polls between September 21 and September 27, 2018, was very high;

WHEREAS section 361 of the Election Act (CQLR, c. E-3.3) states that the deputy returning officer, assisted by the poll clerk, shall count the ballots after the close of polls;

WHEREAS in many electoral divisions, the counting of advance poll ballots risks being significantly delayed due to the high number of electors who exercised their right to vote;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 360 to 370.2 of this Act as follows:

1. In the case of one or several ballot boxes containing more than 300 ballots, the returning officer is authorized, as from 6:00 p.m. on polling day, to begin counting the whole advance ballots by the deputy returning officer and the poll clerk.

2. The returning officer must take all necessary steps to ensure that the personnel assigned to count the ballots from the said ballot boxes are able to communicate the results of the count before the poll closes; the personnel in question and the representatives present must make an oath to this effect.

This decision is effective as of the date on which it is signed.

Québec, September 27, 2018

PIERRE REID,
Chief Electoral Officer

103714

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer —Entry of certain electors on the list of electors

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the entry of certain electors on the list of electors

WHEREAS order-in-council number 1267-2018, issued on August 23, 2018, enjoined the Chief Electoral Officer to hold general elections in Québec on October 1st, 2018;

WHEREAS the Service québécois de changement d'adresse (SQCA) allows electors to give notice of their change of address to various government ministries and organizations, including Élections Québec, up to six months in advance;

WHEREAS electors who give notice of their change of address through the SQCA for their registration on the permanent list of electors of Élections Québec must indicate their new domiciliary address and the effective date of the change of address;

WHEREAS some electors who gave notice of their change of address through the SQCA for the permanent list of electors indicated that their change of address would be effective after August 23, 2018 and not later than September 17, 2018;

WHEREAS in accordance with section 2 of the Election Act (CQLR, c. E-3.3), electors must be entered on the list of electors for the polling subdivision where they are domiciled on the fourteenth day preceding polling day, which is September 17, 2018;

WHEREAS, pursuant to section 145 of the Election Act, upon the issue of an order instituting an election and as soon as the requests for changes to the permanent list of electors received before the issue of the order have been processed, the Chief Electoral Officer shall produce the list of electors and the list of electors entitled to exercise their right to vote outside Québec;

WHEREAS when the lists of electors were produced following the order of August 23, 2018, 4,762 changes of address received through the SQCA in which electors indicated an effective date occurring after August 23 and not later than September 17, 2018 could not be integrated into the lists of electors produced in accordance with section 145 of the Election Act;

WHEREAS the electors concerned were not informed of this situation when they gave notice of their change of address through the SQCA;

WHEREAS the application of the provisions regarding the production of lists of electors involves the electors concerned by the above situation having to go through the board of revisors of their electoral division to make their change of address on the lists of electors to be used for the current poll;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors concerned;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 490 of the Election Act, has decided to adapt the provisions of this Act:

1° by inserting the following sections after section 208:

“**208.1** At the request of the Chief Electoral Officer, a board of revisors shall process the requests for a change of address that are to come into effect after August 23, 2018 and not later than September 17, 2018 that were made by electors through the Service québécois de changement d’adresse and that could not be integrated into the list of electors prior to the issue of the order instituting the holding of a general election.”

“Regardless of section 207, the board of revisors is not bound to advise electors whose change of address request has been subject to a decision.”

This decision is effective as of the date on which it is signed.

Québec, August 31, 2018

PIERRE REID,
Chief Electoral Officer

103716

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer

— Exercise of the duties of officer assigned to the list of electors on polling day

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the exercise of the duties of officer assigned to the list of electors on polling day

WHEREAS order-in-council number 1267-2018 issued on August 23, 2018, enjoined the Chief Electoral Officer to hold general elections in Québec on October 1st, 2018;

WHEREAS section 310.1 of the Election Act (CQLR, c. E-3.3) stipulates that, in every polling station, the returning officer shall appoint one person to act as officer assigned to the list of electors, as recommended by the candidate of the authorized party that came third at the last election;

WHEREAS section 312 of the Election Act provides that recommendations for the appointment of election personnel must be received by the returning officer no later than the seventeenth day preceding polling day, and that if no recommendations are received, the returning officer shall make the appointment without any other formality;

WHEREAS the Chief Electoral Officer intends to make every effort to fill the positions of deputy returning officer and poll clerk and to build a sufficient reserve in case the persons appointed to those positions should withdraw;

WHEREAS the number of officers assigned to the list of electors available on polling day in certain electoral divisions is insufficient to comply with the provisions of section 310.1 of the Election Act;

WHEREAS special measures may be taken by the returning officers on polling day if it is not possible to place one person assigned to the list of electors at each polling station;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act if it comes to his attention that the said provision does not meet the demands of the situation subsequent to an exceptional circumstance;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented at the National Assembly of his intention to use the provisions of the said section, and has taken the necessary steps to inform the other authorized parties, candidates and electors concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 310.1 of the Election Act to provide that the duties of the officer assigned to the list of electors shall be carried out by the poll clerk if it is impossible to ensure the presence of an officer at a polling station.

This decision is effective as of the date on which it is signed.

Québec, September 27, 2018

PIERRE REID,
Chief Electoral Officer

103712

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer — Exercising of the right to vote by electors in the Hull electoral division

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the exercising of the right to vote by electors in the hull electoral division

WHEREAS order-in-council number 1267-2018, issued on August 23, 2018, enjoined the Chief Electoral Officer to hold general elections in Québec on October 1st, 2018;

WHEREAS extreme climatic conditions in the Outaouais region on or about September 21, 2018 caused major damage to the domiciles of numerous electors in the Hull electoral division;

WHEREAS many of these electors were forced to evacuate their domiciles;

WHEREAS section 337 of the Election Act (CQLR, chapter E-3.3) stipulates that electors must establish their identity at a polling station by means of one of the documents specified in the second paragraph of this provision and under the Elector Identification Regulation (CQLR, chapter E-3.3, r. 10);

WHEREAS electors who cannot establish their identity in accordance with the second paragraph of section 337 are directed to the identity verification panel;

WHEREAS in a number of cases, the evacuated electors may have no longer have in their possession the identification documents required to identify themselves with, in accordance with sections 335.2 or 337 of the Election Act.

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section and has taken the steps required to inform the other authorized parties, the candidates and the electors concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act has decided to adapt section 335.2 to include provisions to allow the electors concerned by this decision to exercise their right to vote.

For the purpose of the application of the present decision, section 335.2 of the Election Act will read as follows:

“**335.2** An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote:

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;

(2) sign the following oath:

“I, (name) domiciled at (address of domicile) do hereby declare under oath that I am the elector whose name appears on the list of electors, that I was evacuated from my domicile and that I do not have in my possession the documents required to identify myself.”

Mention of such is entered in the register kept by the members of the identity verification panel.

(3) show his face and meet either of the following conditions:

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address; or

(b) be accompanied by a person who:

i. identifies himself in accordance with the first paragraph of section 337;

ii. attests to the identity and address of the elector;

iii. produces a document referred to in the second paragraph of section 337 that bears his photograph; and

iv. signs an affidavit for that purpose in the register kept by the panel members, which affidavit shall indicate his name, date of birth and address.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (chapter A-29, r. 7) or in a locality referred to in section 7.8 of the Regulation respecting licences (chapter C-24.2, r. 34), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by regulation.

Despite subparagraphs 2 and 3 of the first paragraph, an elector who is unable to show his face for reasons of physical health that are considered valid by the Chief Electoral Officer or any person designated by the Chief Electoral Officer for that purpose may obtain an authorization allowing him to be identified without showing his face, provided he first signs the affidavit for that purpose in the presence of the members of the verification panel.

The chairman of the verification panel shall give the elector the authorization described in the third paragraph.”

This decision is effective as of the date on which it is signed.

Québec, September 30, 2018

PIERRE REID,
Chief Electoral Officer

103713

Decision

Election Act
(chapter E-3.3)

Chief Electoral Officer —Voting by certain electors domiciled or lodged in addiction resources

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning voting by certain electors domiciled or lodged in addiction resources

WHEREAS order-in-council number 1267-2018, issued on August 23, 2018, enjoined the Chief Electoral Officer to hold general elections in Québec on October 1st, 2018;

WHEREAS electors domiciled or lodged in community or private resources offering addiction lodging (alcohol, drugs, gambling) as defined in the Regulation respecting the certification of community or private resources offering addiction lodging (CQLR, chapter S-4.2, r. 0.1), hereinafter called an “addiction resource”;

WHEREAS for some electors domiciled or lodged in addiction resources it will be impossible for them to go outside the facilities of the addiction resource to exercise their right to vote, due to the requirements of the treatment program applied in the resource or a court order;

WHEREAS the provisions of the Election Act (CQLR, chapter E-3.3) concerning the advance poll in lodging facilities, hospitals and rehabilitation centres and the domicile of electors cannot be applied to electors domiciled or lodged in an addiction resource;

WHEREAS it may be impossible for these electors to exercise their right to vote if the provisions of the Election Act are not adapted;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section and has taken the steps required to inform the other authorized parties, the candidates and the electors concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt the first paragraph of section 135.1 and sections 301.15 to 301.18 of this Act to include provisions concerning electors domiciled or lodged in addiction resources who cannot go outside the resource.

For the purpose of the application of the present decision, the first paragraph of section 135.1 and sections 301.15 to 301.18 of the Election Act will read as follows:

“**135.1.** The owner, manager, operator, superintendent, caretaker or person in charge of a residential building, a private seniors’ residence listed in the register established under the Act respecting health services and social services (chapter S-4.2) or a lodging facility operated by an organization for the purpose of ensuring the safety of individuals and their children or an addiction resource must allow and facilitate access to the building, residence or facility by persons in charge of distributing notices or documents from the Chief Electoral Officer or the returning officer.”

“**301.15.** This subdivision applies to electors domiciled or lodged in an addiction resource as defined in the Regulation respecting the certification of community or private resources offering addiction lodging (chapter S-4.2, r. 0.1).”

“**301.16.** The returning officer sets up as many mobile polling stations in addiction resources as the returning officer considers necessary.

The mobile advance poll is held on the tenth, ninth, sixth, fifth and fourth days before polling day. The returning officer shall determine the day and hours each polling station is to visit electors. On the last day, voting ends at 2:00 p.m.

“**301.17.** An elector described in section 301.15 may vote at a mobile polling station in an addiction resource if the elector:

1° addressed a request to that effect to the returning officer not later than the 14th day before polling day;

2° is registered on the list of electors for the polling subdivision of the elector’s domicile;

3° is unable to move about on the days set for the vote due to the requirements of the treatment program applied in the resource or a court order.”

“**301.18.** Sections 301.10, 301.11, the second paragraph of section 301.12 and sections 301.13 and 301.14 are applicable to mobile polling stations in addiction resources, with the necessary modifications.

In the case of an elector who is not domiciled in the electoral division, the provisions of sections 269 to 280, except for the second paragraph of section 279, are applicable to voting by this elector with the necessary modifications.”

This decision is effective as of the date on which it is signed.

Québec, September 5, 2018

PIERRE REID,
Chief Electoral Officer

103715

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

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