



Part 2

LAWS AND REGULATIONS

8 December 2021 / Volume 153

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Part 2 – LAWS AND REGULATIONS

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- (2) proclamations and Orders in Council for the coming into force of Acts;
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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

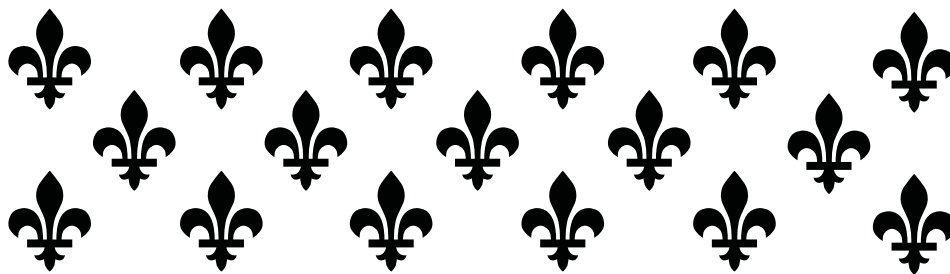
QUÉBEC, 6 OCTOBER 2021

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 6 October 2021*

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

- 97 An Act to amend the Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances
- 99 An Act to amend mainly the Food Products Act

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



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 97
(2021, chapter 28)

**An Act to amend the Act respecting
energy efficiency and energy
conservation standards for certain
electrical or hydrocarbon-fuelled
appliances**

**Introduced 27 May 2021
Passed in principle 15 September 2021
Passed 30 September 2021
Assented to 6 October 2021**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

This Act amends the scope of the Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances. That Act now applies to any new product that consumes energy or affects energy consumption.

The Act makes it possible to authorize any person to act as an inspector.

The Act amends the Act respecting the Régie de l'énergie, in particular to replace the definition of renewable natural gas by that of gas from renewable sources and to allow the Government to vary, in accordance with certain criteria, the quantities of gas from renewable sources to be distributed by natural gas distributors.

Lastly, the Act contains consequential and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances (chapter N-1.01);
- Act respecting the Régie de l'énergie (chapter R-6.01).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (chapter N-1.01, r. 1).

Bill 97

AN ACT TO AMEND THE ACT RESPECTING ENERGY EFFICIENCY AND ENERGY CONSERVATION STANDARDS FOR CERTAIN ELECTRICAL OR HYDROCARBON-FUELLED APPLIANCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING ENERGY EFFICIENCY AND ENERGY CONSERVATION STANDARDS FOR CERTAIN ELECTRICAL OR HYDROCARBON-FUELLED APPLIANCES

1. The title of the Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances (chapter N-1.01) is amended by replacing “electrical or hydrocarbon-fuelled appliances” by “products”.

2. The heading of Chapter I of the Act is amended by replacing “APPLIANCES” by “PRODUCTS”.

3. Section 20 of the Act is replaced by the following section:

“20. In this Act, the term “product” means any new product that consumes energy or has a measurable effect on energy consumption.”

4. Section 27 of the Act is replaced by the following section:

“27. The Minister may authorize any person to act as an inspector to verify compliance with this Act and the regulations.”

5. The Act is amended by replacing all occurrences of “appliance” and “appliances” by “product” and “products”, respectively, with the necessary modifications.

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

6. Section 2 of the Act respecting the Régie de l'énergie (chapter R-6.01) is amended by replacing the definitions of “natural gas” and “renewable natural gas” in the first paragraph by the following definitions:

““natural gas” means a mixture of hydrocarbons in a gaseous or liquid state consisting primarily of methane, except syngas and biogas that are not from renewable sources, including gas from renewable sources added to such a mixture before its delivery;

““gas from renewable sources” means natural gas from renewable sources with interchangeability characteristics that allow it to be delivered by a natural gas distribution system or another substance, such as hydrogen, from renewable sources, added to natural gas, without compromising its interchangeability characteristics;”.

7. Section 72 of the Act is amended by replacing “renewable natural gas” in subparagraph *b* of subparagraph 3 of the first paragraph by “gas from renewable sources”.

8. Section 112 of the Act is amended

(1) in the first paragraph,

(a) by replacing “renewable natural gas” in subparagraph 4 by “gas from renewable sources”;

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

“(5) the terms and conditions according to which natural gas or a substance added to natural gas constitutes gas from renewable sources under this Act.”;

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

“The quantities, terms and conditions provided for under subparagraphs 4 and 5 of the first paragraph may vary according to the quantity of natural gas distributed by a natural gas distributor or according to classes of consumers.”

REGULATION RESPECTING THE ENERGY EFFICIENCY OF ELECTRICAL OR HYDROCARBON-FUELLED APPLIANCES

9. The title of the Regulation respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (chapter N-1.01, r. 1) is replaced by the following title:

“REGULATION RESPECTING ENERGY EFFICIENCY AND ENERGY CONSERVATION STANDARDS FOR CERTAIN PRODUCTS”.

10. The Regulation is amended by replacing “appliance” and “appliances” by “product” and “products”, respectively, with the necessary modifications, in the following:

(1) sections 1 and 1.1, wherever they appear;

(2) the first paragraph of section 3, wherever they appear;

(3) sections 4 to 7, wherever they appear;

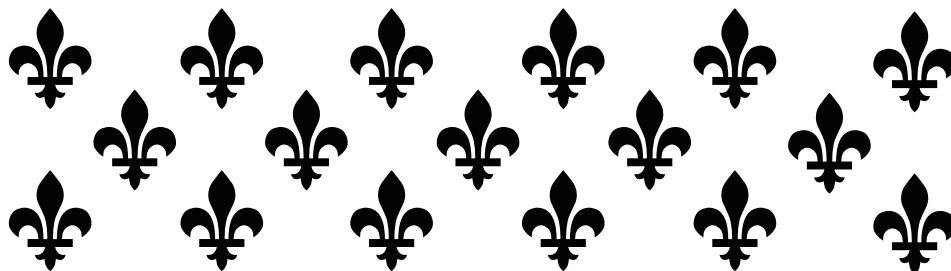
(4) Schedule 1, in the heading of the Schedule and in the heading of the first column of the table;

(5) Schedule 2, in the heading of the Schedule and in the clause preceding the table.

FINAL PROVISIONS

11. Unless the context indicates otherwise, in any Act and in any regulation or other document, a reference to the Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances (chapter N-1.01) or to the Regulation respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (chapter N-1.01, r. 1) becomes a reference to the Act respecting energy efficiency and energy conservation standards for certain products or to the Regulation respecting energy efficiency and energy conservation standards for certain products, respectively.

12. This Act comes into force on 6 October 2021, except sections 6 and 7 and paragraph 1 of section 8, which come into force on the date of coming into force of the first regulation made under subparagraph 5 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (chapter R-6.01).



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 99
(2021, chapter 29)

An Act to amend mainly the Food Products Act

**Introduced 10 June 2021
Passed in principle 14 September 2021
Passed 30 September 2021
Assented to 6 October 2021**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

This Act amends the Food Products Act in order to, among other things, update the permit scheme. To that end, it redefines the categories of permits, extends the period of validity of permits, and modifies certain terms and conditions applicable to their issue, renewal, suspension or cancellation. The Act provides that the registration of a permit holder's vehicle, where applicable, as well as the products and categories of products prepared by the permit holder are public information. It also provides that no person has a right of access to the address of the establishment or premises or, where applicable, the registration of the vehicle of a person who offers accommodation or assistance services to persons who are victims of violence and of a person composed of persons or groups of persons offering such services.

The Act also modifies the registration scheme by requiring operators who keep products or categories of products determined by regulation to register before their operations begin. It provides that an operator's name and certain other information relating to an establishment, premises or a vehicle for which such registration is required are public information. In addition, it sets out the terms and conditions for suspending or revoking a registration.

The Act excludes edible cannabis products from the definition of "food", and withdraws certain provisions relating to the dairy product sector.

The Act gives the Minister of Agriculture, Fisheries and Food new powers, including the power to accept, from a non-compliant person, a voluntary undertaking to modify the operator's practices. In addition, it authorizes the Minister to implement pilot projects aimed at enabling innovation with respect to food or aimed at studying, improving or defining standards applicable to food, and determines how they are to be implemented.

In addition, the Government is given new regulatory powers, including the power to require that certain operations be performed by operators in accordance with a control plan and the power to determine the information that the owner, custodian or possessor of animals intended for human consumption must provide and retain.

New inspection powers are granted, new powers of investigation are introduced, and the amounts of the fines are increased.

Lastly, the Act repeals the Act to regularize and provide for the development of local slaughterhouses and contains consequential amendments and a transitional provision.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the marketing of marine products (chapter C-32.1);
- Act respecting administrative justice (chapter J-3);
- Act respecting the marketing of agricultural, food and fish products (chapter M-35.1);
- Food Products Act (chapter P-29);
- The Marine Products Processing Act (chapter T-11.01).

LEGISLATION REPEALED BY THIS ACT:

- Act to regularize and provide for the development of local slaughterhouses (chapter R-19.1).

REGULATION AMENDED BY THIS ACT:

- Commercial Aquaculture Regulation (chapter A-20.2, r. 1).

Bill 99

AN ACT TO AMEND MAINLY THE FOOD PRODUCTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

FOOD PRODUCTS ACT

1. The heading of Division I of the Food Products Act (chapter P-29) is amended by replacing “DEFINITIONS AND APPLICATION” by “GENERAL PROVISIONS”.

2. Section 1 of the Act is amended, in the first paragraph,

(1) by replacing “other than alcoholic beverages within the meaning of the Act respecting the Société des alcools du Québec (chapter S-13)” in subparagraph *b* by “, except alcoholic beverages within the meaning of the Act respecting the Société des alcools du Québec (chapter S-13) and edible cannabis products within the meaning of the Cannabis Regulation Act (chapter C-5.3)”;

(2) by striking out subparagraphs *c.1*, *c.2* and *j.1*.

3. The Act is amended by striking out the following before section 3:

“DIVISION II

“GENERAL PROVISIONS”.

4. Section 3.1 of the Act is amended

(1) by striking out “a packing-house,” and “packing-house,” in the first paragraph;

(2) by replacing “any plant layout or design” in the second paragraph by “any condition, layout or design of the facilities”.

5. The Act is amended by inserting the following section after section 3.3:

“3.3.1. The Government may, by regulation, determine the operations that the operator referred to in section 3.1 must perform in accordance with a control plan, and determine the applicable terms and conditions. The regulation may also determine the obligations to which the operator is subject.

The Government may, on the conditions and in accordance with the terms prescribed by regulation, recognize certifications to stand in lieu of a control plan.

For the purposes of this section, “control plan” means a written description of the manner in which the risks and dangers relating to the operation or the products are identified and controlled by the operator.”

6. Section 7 of the Act is replaced by the following section:

“**7.** The Government may prescribe the conditions respecting the origin of any product kept or used by the operator or user of an establishment, premises or a vehicle or by any other person carrying on an activity referred to in section 8 or 9 or by a retailer or restaurateur whose activities are not otherwise referred to in either of those sections, and prohibit, except in the cases it determines, the keeping or use of any product that does not meet those conditions or comply with the stamp regulations.”

7. Sections 7.3, 7.4 and 7.6 of the Act are repealed.

8. The heading of Division III of the Act is amended by replacing “REGISTRATION AND PERMITS” by “AUTHORIZATION SCHEME”.

9. Sections 8 to 8.2 of the Act are replaced by the following sections:

“**8.** The operator of an establishment, premises or a vehicle where products or categories of products determined by government regulation are kept must, before his operations begin, register with the Minister on the conditions and in accordance with the terms prescribed by regulation.

The name of the operator and the address of the establishment or premises or, where applicable, the registration of the vehicle as well as the products or categories of products kept referred to in the first paragraph are public information for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“**8.1.** The Minister shall register the operator on receiving a declaration whose form and content comply with the provisions determined by government regulation.

“**8.2.** The Minister may suspend or revoke the registration of an operator who contravenes a provision of this Act or a regulation under this Act.

The Minister, before suspending or revoking an operator’s registration, must notify the operator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the operator at least 10 days to

present observations. The Minister must also notify the decision in writing, with reasons, to an operator whose registration the Minister suspends or revokes.

“8.3. Any person whose registration is suspended or revoked may contest the decision of the Minister before the Administrative Tribunal of Québec within 30 days of notification of the decision.”

10. Section 9 of the Act, amended by section 3 of chapter 53 of the statutes of 1983, section 5 of chapter 80 of the statutes of 1990, section 2 of chapter 50 of the statutes of 1996, section 13 of chapter 26 of the statutes of 2000 and section 30 of chapter 10 of the statutes of 2009, is replaced by the following section:

“9. No person shall, without holding a permit in force,

(a) operate a slaughterhouse;

(b) operate a local slaughterhouse;

(c) operate an establishment where marine products intended for human consumption are prepared for the purposes of sale at wholesale by the operator or by the person retaining his services for remuneration;

(d) operate an establishment, premises or a vehicle where products intended for human consumption other than marine products prepared for the purposes referred to in subparagraph *c* are prepared for the purposes of sale or for the furnishing of services for remuneration; or

(e) salvage inedible meat or operate a plant for dismembering animals.

The permit required under subparagraph *d* of the first paragraph is also required if the activity is carried out by an operator of a teaching establishment, by any establishment governed by the Act respecting health services and social services (chapter S-4.2), the Act respecting health services and social services for Cree Native persons (chapter S-5) or the Act respecting the Québec correctional system (chapter S-40.1) or by the Government or government departments and bodies where they act as a restaurateur, even in the absence of remuneration.”

11. The Act is amended by inserting the following section after section 9:

“9.1. The registration of the vehicle, if applicable, as well as the products or categories of products prepared by the holder of a permit are public information for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

12. The Act is amended by inserting the following section after section 9.1:

“9.2. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to the address of the establishment or premises or, where applicable, the registration of the vehicle of a person who offers accommodation or assistance services to persons who are victims of violence and of a person composed of persons or groups of persons offering such services.”

13. Section 10 of the Act is amended by replacing the third, fourth and fifth paragraphs by the following paragraphs:

“The Minister may, where the public interest warrants it, refuse to issue a permit.

For the purposes of the third paragraph, in addition to hygiene and sanitation factors, the Minister may take into account, in the case of a permit required under subparagraph *c* of the first paragraph of section 9, socio-economic factors, including the sources of supply, the rationalization, stabilization or viability of the industry, technological innovations, regional development, marketing conditions or public investment.”

14. Section 11 of the Act is replaced by the following sections:

“11. The period of validity of a permit is three years. The permit may be renewed on the conditions determined by government regulation.

A permit may, however, be issued for a shorter period if the Minister is of the opinion that the public interest warrants it or in the cases prescribed by government regulation.

Where the Minister’s decision pertains to a permit required under subparagraph *c* of the first paragraph of section 9, the Minister may take into account the socio-economic factors referred to in the fourth paragraph of section 10 to limit the permit’s period of validity.

“11.0.1. The permit holder must pay the annual fees fixed by government regulation before the anniversary date of the issue of his permit.

“11.0.2. The Minister may, if the public interest warrants it, impose conditions, restrictions or prohibitions that the Minister specifies on the permit the Minister issues.

The Minister may also, regarding a permit already issued, impose new conditions, restrictions or prohibitions or modify those indicated on the permit if the public interest warrants it.

In the case of a permit required under subparagraph *c* of the first paragraph of section 9, the Minister may, for the purposes of this section, take into account the socio-economic factors referred to in the fourth paragraph of section 10.”

15. Section 11.1 of the Act is amended

(1) in the first paragraph,

(a) by inserting “of a regulation made under the first paragraph of section 3.3.1,” after “disregard a provision”;

(b) by replacing “c.3,” by “c.4, c.6 and c.7,”;

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

“The Minister shall publish annually, on the department’s website, a list containing the number of authorizations granted under the first paragraph and the legislative or regulatory provisions the holders of the authorizations were authorized to disregard.”

16. Section 13 of the Act is amended by replacing the first paragraph by the following paragraph:

“A permit must be posted in the places and in accordance with the terms and conditions that the Government may determine by regulation.”

17. Section 14 of the Act is amended by replacing “a permit, stating the reasons for his refusal” by “a permit or the holder of a permit regarding which he modifies the conditions, restrictions or prohibitions, stating the reasons for the refusal or modifications”.

18. Section 15 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph before subparagraph *a*:

“(0.a) who obtained his permit or renewal through misrepresentation;”;

(2) by replacing “or restriction” in subparagraph *b.1* by “, restriction or prohibition”;

(3) by replacing subparagraph *b.2* by the following subparagraphs:

“(b.2) who fails to comply with a provision of this Act or a regulation under this Act;

“(b.3) who fails to comply with a voluntary undertaking made under section 39.1; or”.

19. The Act is amended by inserting the following section after section 15:

“15.1. The Minister may, before suspending, cancelling or refusing to renew a holder’s permit, order the holder to take the necessary corrective action within the time fixed by the Minister.”

20. The heading of Division V of the Act is amended by replacing “INSPECTIONS AND SEIZURES” by “INSPECTION, SEIZURE AND INVESTIGATION”.

21. Section 33 of the Act is amended

(1) by striking out “a packing-house or” in the introductory clause;

(2) by inserting “intended for or” after the second occurrence of “animals” in the introductory clause;

(3) by striking out “packing-house,” in paragraph 1;

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

“(1.1) require the suspension or restriction, during the inspection, of any activity or any operation to which this Act applies;”;

(5) by striking out “packing-house,” in paragraph 2;

(6) by inserting the following paragraphs after paragraph 3:

“(3.1) order, restrict or prohibit the moving of any product, animal or other object;

“(3.2) prohibit or limit access to the establishment, premises or vehicle or to any equipment, material, apparatus, product, animal or other object found there and to which this Act applies;

“(3.3) conduct tests on any equipment, material, apparatus or other object to which this Act applies;”;

(7) in paragraph 4,

(a) by inserting “or make recordings” after “photographs”;

(b) by striking out “packing-house,”.

22. The Act is amended by inserting the following section after section 33.9:

“33.9.0.1. An authorized person may, for a maximum period of 10 days, order the operator of a slaughterhouse to cease slaughtering the animals, or impose the conditions the authorized person determines with regard to the treatment or slaughter of the animals or to the operations, if the authorized person has reasonable grounds to believe that

(1) the operations are not being performed in compliance with the standards determined under paragraph *a.2* of section 40 or with the provisions of the Animal Welfare and Safety Act (chapter B-3.1) or a regulation made under that Act; or

(2) the condition, layout or design of the facilities or the performance of the operations are likely to affect the wholesomeness of the products or the cleanliness of the premises.

The order shall state the grounds for the authorized person’s decision.

The order takes effect when a written statement of the order is given to the operator or a responsible person upon notification to either of those persons.”

23. Section 33.9.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “five” by “10”;

(b) by striking out “a packing-house,”;

(2) by striking out “packing-house,” in the third paragraph.

24. Section 33.9.2 of the Act is amended

(1) in the first paragraph,

(a) by replacing “five” by “10”;

(b) by striking out “a packing-house,” and “packing-house,”;

(2) by striking out “packing-house,” in the third paragraph.

25. The Act is amended by inserting the following section after section 33.10:

“33.10.1. The powers to issue orders under sections 33.9.1, 33.9.2 and 33.10 do not apply in respect of a place where animals intended for human consumption are found.”

26. Section 33.12 of the Act is amended by replacing “33.9.1” by “33.9.0.1”.

27. Section 34 of the Act is replaced by the following section:

“34. The Minister may fix the operating hours

(1) of a slaughterhouse referred to in subparagraph *a* or *b* of the first paragraph of section 9;

(2) of an establishment, premises or a vehicle operated under a permit required under subparagraph *d* of the first paragraph of section 9, whose operations are the subject of permanent inspection and where meat or meat products intended for human consumption are prepared for purposes of sale; and

(3) of a plant for dismembering animals operated under a permit required under subparagraph *e* of the first paragraph of section 9.”

28. The Act is amended by inserting the following section after section 35:

“35.1. The Minister may appoint investigators to investigate any matter relating to the application of this Act and the regulations.”

29. Section 36 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing “Such person must on request, identify himself” in the second paragraph by “The authorized person or the investigator must, on request, provide identification”.

30. Section 39 of the Act is amended

(1) by replacing “and authorized persons” by “, authorized persons and investigators”;

(2) by inserting “or omitted” after “performed”.

31. The Act is amended by inserting the following division after section 39:

“DIVISION V.1

“VOLUNTARY UNDERTAKING

“39.1. If a provision of this Act or the regulations is not complied with, the Minister may accept a voluntary undertaking from a person to modify the person’s practices or behaviours.

The undertaking must describe the measures that are to be put in place and the control and follow-up measures that have been accepted by the Minister.”

32. Section 40 of the Act is amended

(1) in paragraph *a.1*,

(*a*) by inserting “, operation” after “location”;

(*b*) by striking out “or packing-houses”;

(2) by inserting “or level” after “use” in paragraph *b*;

(3) by inserting “destination,” after “use,” in paragraph *c*;

(4) by inserting the following paragraph after paragraph *c.3*:

“(c.4) prescribe any other sanitary inspection of animals or animal carcasses intended for human consumption than that required under paragraph *c.3*;”;

(5) by replacing paragraph *c.5* by the following paragraphs:

“(c.5) allow an authorized person to enter, at any reasonable time, an establishment, premises or a vehicle where animals can be found which are intended or whose products are intended for human consumption or where carcasses intended for human consumption can be found, to inspect the animals and carcasses and take free samples, to seize or confiscate the animals and carcasses and their products which are, or are suspected on reasonable grounds of being, unfit for human consumption or inedible, and to prescribe rules respecting the seizure, destination or disposal of the animals, carcasses or products;

“(c.6) determine the information that the owner or custodian of animals intended for human consumption must furnish and retain, in particular information concerning the animals’ state of health and their identification, determine the information that the possessor of animal carcasses intended for such consumption must also furnish and retain, and determine all the terms and conditions relating to that information, such as those concerning its form and the category of animals to which it applies;

“(c.7) determine the rules respecting bringing animals or animal carcasses intended for human consumption into a slaughterhouse referred to in subparagraph *a* or *b* of the first paragraph of section 9 or into an establishment, premises or a vehicle operated under a permit required under subparagraph *d* of the first paragraph of that section, whose operations are the subject of permanent inspection and where meat or meat products intended for human consumption are prepared for purposes of sale;”;

(6) by striking out “packing-house,” in paragraph *e.2*;

(7) by striking out “a packing-house,” in paragraphs *e.4* and *e.5*;

(8) by replacing “the monitoring of the processes involved in food” in paragraph *e.5.1* by “control of the processes involved in food preparation, as well as the content of the examinations referred to in paragraph *e.6*”;

(9) by replacing “person holding a tester’s permit” in paragraph *e.5.2* by “tester”;

(10) by inserting “and fix the examination fees” at the end of paragraph *e.6*;

(11) by replacing “by an applicant or holder, the books or registers to be kept and retained by the applicant or holder” and “12 months” in paragraph *f* by “, kept and retained by an applicant or holder and the other obligations the holder must comply with” and “three years”, respectively;

(12) by replacing paragraph *g* by the following paragraph:

“(g) determine the categories or subcategories of permits and the conditions, restrictions and prohibitions attaching to each such category or subcategory;”;

(13) by replacing “the holder of a tester’s permit” in paragraph *m.1* by “a tester”.

33. Section 42 of the Act is amended by replacing “\$250 to \$2,000 and, for any subsequent contravention, to a fine of \$750 to \$6,000” by “\$500 to \$5,000”.

34. Section 43 of the Act is amended by replacing “\$250 to \$3,000 and, for any subsequent contravention, to a fine of \$750 to \$9,000” by “\$1,000 to \$10,000”.

35. Section 44 of the Act is amended

(1) by replacing “\$500 to \$3,000 and, for any subsequent contravention, to a fine of \$1,500 to \$9,000” in the introductory clause by “\$1,000 to \$10,000”;

(2) by replacing “or a provision of section 4.1 or of sections 8 to 8.2” in paragraph 1 by “a provision of section 4.1 or a provision of section 8 or of a regulation under that section”;

(3) by striking out paragraph 2;

(4) by inserting “a regulation under” after “provision of” in paragraph 3.

36. Section 45 of the Act is amended

(1) by replacing “\$1,000 to \$6,000 and, for any subsequent contravention, to a fine of \$3,000 to \$18,000” in the introductory clause by “\$2,500 to \$25,000”;

- (2) by replacing “36” in paragraph 1 by “35”;
- (3) by replacing “or restriction” in paragraph 2 by “, restriction or prohibition”;
- (4) by replacing “to section 10 or 11” in paragraph 2 by “to section 11.0.2”;
- (5) by replacing “or restrictions” in subparagraph *c* of paragraph 5 by “, restrictions or prohibitions”;
- (6) by inserting “or subcategory” after “category” in subparagraph *c* of paragraph 5;
- (7) by adding the following paragraph at the end:

“The following are also liable to the fine prescribed by the first paragraph:

- (1) every person who, in any way hinders or attempts to hinder the work of an authorized person or an investigator in the exercise of his functions, in particular by misleading or attempting to mislead him, by molesting, intimidating, impeding or insulting him, or, in the case of an authorized person, by refusing or neglecting to obey an order he is authorized to issue under this Act or the regulations; and
- (2) every person who operates an establishment, premises or a vehicle while the person’s registration is suspended or revoked under section 8.2.”

37. Section 45.1 of the Act is amended

- (1) by replacing “\$2,000 to \$15,000 and, for any subsequent contravention, to a fine of \$6,000 to \$45,000” in the introductory clause by “\$5,000 to \$50,000”;
- (2) by striking out paragraph 4;
- (3) by inserting the following subparagraph after subparagraph *d* of paragraph 6:

“(d.1) paragraph c.4, c.6 or c.7;”.

38. Section 45.1.1 of the Act is amended

- (1) by replacing “\$750 to \$2,000 and, for a subsequent contravention, to a fine of \$2,250 to \$6,000” in the first paragraph by “\$1,000 to \$10,000”;
- (2) in the second paragraph,
 - (a) by replacing “health hazard” by “health risk”;

(b) by replacing “\$2,000 to \$15,000, and \$6,000 to \$45,000 for a subsequent conviction” by “\$2,500 to \$25,000”.

39. Section 45.1.2 of the Act is amended

(1) by replacing “\$750 to \$2,000 and, for a subsequent contravention, to a fine of \$2,250 to \$6,000” in the first paragraph by “\$1,000 to \$10,000”;

(2) by replacing “\$2,000 to \$15,000, and \$6,000 to \$45,000 for a subsequent conviction” in the second paragraph by “\$2,500 to \$25,000”.

40. Section 45.2 of the Act is amended

(1) by striking out “subparagraph *a* or *a.1* of the first paragraph of” and “an order under any of sections 33.9.1 to 33.11.1.”;

(2) by replacing “\$5,000 to \$15,000 and, for any subsequent contravention, to a fine of \$15,000 to \$45,000” by “\$5,000 to \$50,000”.

41. Section 45.3 of the Act is amended

(1) by inserting “contravenes an order under a provision of this Act or” after “Every person who”;

(2) by replacing “\$5,000 to \$15,000 and, for any subsequent contravention, to a fine of \$15,000 to \$45,000” by “\$10,000 to \$100,000”.

42. The Act is amended by inserting the following section after section 45.3:

“45.4. The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for any subsequent offence.”

43. Section 46 of the Act is amended

(1) by inserting “a provision of a regulation under the first paragraph of section 3.3.1,” after “uncertain.”;

(2) by replacing “section 9” by “section 8, 9”;

(3) by replacing “a packing-house, establishment, premises or vehicle” by “an establishment, premises or a vehicle”;

(4) by inserting “registration is suspended or revoked under section 8.2 or its” after “while its”;

(5) by replacing “33.9.1” by “33.9.0.1”;

(6) by replacing “or restrictions” by “, restrictions or prohibitions”;

(7) by replacing “or 45.3” by “, 45.3 or 45.4”.

44. Section 46.1 of the Act is amended

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

“(4) the duration of the offence;

“(5) the repetitive nature of the offence;

“(6) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;

“(7) the condition of the establishment, premises or vehicle where or in which the product is kept;

“(8) whether the offender acted intentionally or was reckless or negligent; and

“(9) the offender’s failure to take reasonable measures to prevent the commission of the offence or mitigate its effects despite the offender’s financial ability to do so, given such considerations as the size of the offender’s undertaking and the offender’s assets, turnover and revenues.”;

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

“A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.”

45. The heading of Division VIII of the Act is amended by replacing “FINAL” by “MISCELLANEOUS AND FINAL”.

46. The Act is amended by inserting the following section before section 57:

“56.1.1. The Minister may, by order, authorize the implementation of pilot projects aimed at enabling innovation with respect to food or concerning the disposal of inedible meats, or aimed at studying, improving or defining standards applicable to those matters. The Minister shall determine the standards and obligations applicable to a pilot project, which may differ from those prescribed by this Act and the regulations. The Minister shall take local and regional development, among other things, into consideration in developing a pilot project. The Minister may, as part of a pilot project, authorize any person to carry on an activity governed by this Act in compliance with the standards and rules prescribed by the Minister.

A pilot project is conducted for a period of up to four years, which the Minister may, if he considers it necessary, extend by up to one year. The Minister may modify or terminate a pilot project at any time. The Minister may also determine the provisions of a pilot project whose violation is an offence and determine the amount for which the offender is liable, which may not be less than \$250 or more than \$5,000.

The publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under this section.

The results of a pilot project must be published on the department's website not later than one year after the end of the project."

47. The Act is amended by striking out all occurrences of "packing-house", with the necessary modifications.

ACT RESPECTING THE MARKETING OF MARINE PRODUCTS

48. The Act respecting the marketing of marine products (chapter C-32.1) is amended as follows:

(1) by replacing "a processing factory or a packing-house of" in section 3 by "an establishment for processing";

(2) by striking out "or packing" in the first paragraph of section 59.

ACT RESPECTING ADMINISTRATIVE JUSTICE

49. Schedule IV to the Act respecting administrative justice (chapter J-3) is amended by replacing "section 17 of the Food Products Act" in paragraph 15 by "sections 8.3 and 17 of the Food Products Act".

ACT RESPECTING THE MARKETING OF AGRICULTURAL, FOOD AND FISH PRODUCTS

50. Section 43.1 of the Act respecting the marketing of agricultural, food and fish products (chapter M-35.1) is repealed.

ACT TO REGULARIZE AND PROVIDE FOR THE DEVELOPMENT OF LOCAL SLAUGHTERHOUSES

51. The Act to regularize and provide for the development of local slaughterhouses (chapter R-19.1) is repealed.

THE MARINE PRODUCTS PROCESSING ACT

52. Section 2 of the Marine Products Processing Act (chapter T-11.01) is amended by striking out "or canned".

53. Section 3 of the Act is amended by replacing the second paragraph by the following paragraph:

“For the purposes of this Act, every person who operates an establishment where marine products intended for human consumption are prepared for the purposes of sale at wholesale by the operator or by the person retaining his services for remuneration and who holds a permit required under subparagraph *c* of the first paragraph of section 9 of the Food Products Act (chapter P-29) is an operator.”

54. Sections 12 and 46 of the Act are amended by striking out “or canning”.

COMMERCIAL AQUACULTURE REGULATION

55. Section 35 of the Commercial Aquaculture Regulation (chapter A-20.2, r. 1) is amended, in the first paragraph,

(1) by replacing “subparagraph *c* or *d*” in subparagraph 2 by “subparagraph *e*”;

(2) by replacing “to operate a marine or fresh water product processing factory or packing-house issued under subparagraph *e* or *f*” in subparagraph 4 by “issued under subparagraph *c* or *d*”.

TRANSITIONAL AND FINAL PROVISIONS

56. Until the coming into force of section 10, paragraph *c.7* of section 40 of the Food Products Act (chapter P-29), enacted by paragraph 5 of section 32, is to be read as if “subparagraph *a* or *b*” and “subparagraph *d*” were replaced by “subparagraph *a* or *a.1*” and “subparagraph *b*”, respectively.

57. Until the coming into force of section 51, a pilot project authorized by the Minister under section 56.1.1 of the Food Products Act, enacted by section 46, may also contain standards and obligations that differ from those set out in the Act to regularize and provide for the development of local slaughterhouses (chapter R-19.1). The Minister may also, under such a pilot project, authorize any person to carry on an activity governed by that Act according to the standards and rules prescribed by the Minister.

58. This Act comes into force on 6 October 2021, except paragraph 2 of section 2, paragraph 1 of section 4, sections 6, 9 to 11, 13, 14, 16 and 17, paragraph 2 of section 18, paragraphs 1, 3 and 5 and subparagraph *b* of paragraph 7 of section 21, subparagraph *b* of paragraph 1 and paragraph 2 of section 23, subparagraph *b* of paragraph 1 and paragraph 2 of section 24, section 27, subparagraph *b* of paragraph 1 and paragraphs 6, 7, 9 and 11 to 13 of section 32, paragraphs 2 and 4 of section 35, paragraphs 3 to 7 of section 36, paragraphs 2, 3, 4 and 6 of section 43 and sections 47 to 55, which come into force on the date or dates to be determined by the Government.

Coming into force of Acts

Gouvernement du Québec

O.C. 1493-2021, 1 December 2021

**Act to amend mainly the Food Products Act
(2021, chapter 29)**

**—Coming into force of paragraph 7 of section 36,
except subparagraph 2 of the paragraph it enacts**

COMING INTO FORCE of paragraph 7 of section 36 of the Act to amend mainly the Food Products Act, except subparagraph 2 of the paragraph it enacts

WHEREAS the Act to amend mainly the Food Products Act (2021, chapter 29) was assented to on 6 October 2021;

WHEREAS section 58 of the Act provides that the Act comes into force on 6 October 2021, except paragraph 2 of section 2, paragraph 1 of section 4, sections 6, 9 to 11, 13, 14, 16 and 17, paragraph 2 of section 18, paragraphs 1, 3 and 5 and subparagraph *b* of paragraph 7 of section 21, subparagraph *b* of paragraph 1 and paragraph 2 of section 23, subparagraph *b* of paragraph 1 and paragraph 2 of section 24, section 27, subparagraph *b* of paragraph 1 and paragraphs 6, 7, 9 and 11 to 13 of section 32, paragraphs 2 and 4 of section 35, paragraphs 3 to 7 of section 36, paragraphs 2, 3, 4 and 6 of section 43 and sections 47 to 55, which come into force on the date or dates to be determined by the Government;

WHEREAS it is expedient to set 8 December 2021 as the date of coming into force of paragraph 7 of section 36 of the Act, except subparagraph 2 of the paragraph it enacts;

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

THAT 8 December 2021 be set as the date of coming into force of paragraph 7 of section 36 of the Act to amend mainly the Food Products Act (2021, chapter 29), except subparagraph 2 of the paragraph it enacts.

YVES OUELLET
Clerk of the Conseil exécutif

105394

Regulations and other Acts

Gouvernement du Québec

O.C. 1488-2021, 24 November 2021

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

Act respecting industrial accidents and
occupational diseases
(chapter A-3.001)

Health and safety in forest development work

First-aid Minimum Standards

—Amendment

Regulation to amend the Regulation respecting health and safety in forest development work and the First-aid Minimum Standards Regulation

WHEREAS, under subparagraphs 7, 28 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

—prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where the employer makes premises available to workers for lodging, meal service or leisure activities;

—determining, by category of establishments or construction sites, the cases in which health services must be supplied to workers;

—generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers,

workplaces, establishments or construction sites to which they apply, and the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, under subparagraph 4 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations determining, according to the classes of establishments and of construction sites it designates, the cases in which the employer or on a construction site, the principal contractor within the meaning of the Act respecting occupational health and safety (chapter S-2.1) must maintain a first-aid service and an emergency medical service at the employer's or contractor's expense, the cases in which the employer or contractor must furnish premises for such purpose, the staff and equipment such service must include and the content of the first aid or emergency medical register;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting health and safety in forest development work and the First-aid Minimum Standards Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 May 2021 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 14 October 2021;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS, under the first paragraph of section 455 of the Act respecting industrial accidents and occupational diseases, every draft regulation made by the Commission under subparagraphs 1, 2, 3 to 4.1 and 14 of the first paragraph of section 454 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting health and safety in forest development work and the First-aid Minimum Standards Regulation, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting health and safety in forest development work and the First-aid Minimum Standards Regulation

Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 28 and 42, and 2nd and 3rd pars.)

Act respecting industrial accidents and occupational diseases (chapter A-3.001, s. 454, 1st par., subpar. 4)

1. The Regulation respecting health and safety in forest development work (chapter S-2.1, r. 12.1) is amended in section 1

(1) by replacing the definition of “forest development” by the following:

““forest development” means an activity related to timber felling and harvesting, the operation of a sugar bush, the construction, improvement, repair, maintenance or closure of infrastructures, the carrying out of silvicultural treatments, including reforestation and the use of fire, fire protection, the suppression of insect epidemics, cryptogamic diseases and competing vegetation, and all similar activities that tangibly affect forest resources; (aménagement forestier)”;

(2) by inserting the following in alphabetical order:

““forest first-aider” means a first-aider within the meaning of the First-aid Minimum Standards Regulation (chapter A-3.001, r. 10) who has completed the training provided for in paragraphs 2 and 3 of section 51.4 of this Regulation;”

2. The following is inserted after section 51:

“DIVISION VI.1 FIRST AID

§1. Organization

51.1. Subject to the special rules provided for in this Regulation, first aid must be provided on work sites in accordance with the First-aid Minimum Standards Regulation (chapter A-3.001, r. 10).

51.2. Where 5 workers or more work on a work site, the employer must ensure that

(1) one rigid stretcher, one backboard or equipment combining both functions is available and placed near work sites where workers are concentrated;

(2) one rigid cervical collar, one head immobiliser and one blanket are available;

(3) backboards, rigid cervical collars and equipment combining both functions are used by a qualified person.

Where 20 workers or more work on a work site, the material must be placed in the evacuation vehicle.

The material must be available within 30 minutes where the work site is accessible by road and within 60 minutes where workers are deployed in a territory to respond to an emergency.

Where the work site is not accessible by road, the material must be available as soon as possible.

51.3. Where 10 workers or more work on a work site, the employer must ensure that a forest first aid kit complying with the large Type 3 intermediate first aid kit according to CAN/CSA Standard Z1220, First aid kits for the workplace, is available on the site and placed in the same locations as the material required under section 51.2.

§2. Forest first-aider

51.4. A forest first-aider must be present at all times where 10 workers work on a work site. The presence of an additional forest first-aider is mandatory for each additional 10 workers.

To act as forest first-aider, a person must

(1) have completed training enabling to act as first-aider within the meaning of the First-aid Minimum Standards Regulation (chapter A-3.001, r. 10);

(2) have completed 40 hours of training specific to the forest sector given by an organization recognized by the Commission and that is listed on the Commission's website;

(3) maintain forest first-aid skills up to date by taking every year an 8-hour training course given by an organization recognized by the Commission and that is listed on the Commission's website.

51.5. Where 9 workers or less work on a work site, the employer must ensure that it is possible to communicate with a forest first-aid, a nurse or a physician in case of accident.

51.6. The name and position of the forest first-aid whose presence is required under section 51.4 must be posted in a conspicuous place easily accessible to the workers or, if there is no such place, must be communicated to the workers by any appropriate means.

51.7. A forest first-aid giving first aid to a worker must complete a report containing his name and that of the worker, and the date, time and description of the injury or sickness as well as the type of first aid given.

The report must be handed to the employer and kept by the employer in a register reserved for that purpose for at least 2 years.

§3. Evacuation

51.8. A protocol for the evacuation of injured workers providing for evacuation by road and by air must be prepared by the employer.

The protocol need not provide for evacuation by air where the work site is situated less than 30 minutes and at a maximum of 35 kilometres from an emergency medical service. A means of evacuation by land need not be provided for in the case of work inaccessible by road.

51.9. The evacuation protocol must include a procedure to be followed to allow the evacuation of an injured worker from the work site to the meeting point with an ambulance, where the evacuation is carried out by road, or from the meeting point with a helicopter, where the evacuation is carried out by air.

The protocol must also contain the information listed in Schedule II.

51.10. The evacuation protocol must be posted in a conspicuous place easily accessible to the workers or, if there is no such place, must be communicated to the workers by any appropriate means.

51.11. Where 20 workers work on a work site, an evacuation vehicle must be available on the site.

The vehicle must be situated in a location that allows the most rapid and efficient intervention in case of an emergency taking into account in particular the geographical characteristics of the work site and the location where workers are concentrated.

This section does not apply where the work site is situated less than 30 minutes and at a maximum of 35 kilometres from an emergency medical service, and is accessible by ambulance.

The evacuation vehicle may be replaced by a helicopter available on site where the workers are deployed in a territory to respond to an emergency.

51.12. The evacuation vehicle must contain

(1) the material listed in section 51.2;

(2) a woolen blanket, straps, one box of disposable gloves, one paper cup and one portable eye bath where the temperature is over 0°C;

(3) a forest first aid kit compliant with the large Type 3 intermediate first aid kit according to CAN/CSA Standard Z1220, First aid kits for the workplace.

51.13. The evacuation vehicle must be kept in good working order and the space for the injured must be kept clean. The vehicle must be heated and equipped with an adequate means of communication for the sector of activity, and offer weather protection.

In addition, the vehicle must be designed to allow the forest first-aid to take place near the injured to provide continuous care during the trip and secure the stretcher or combined equipment inside the vehicle.

§4. Lodging for more than 50 workers

51.14. The employer that organizes lodging for more than 50 workers in the same location must

(1) ensure that a nurse or a paramedic is present on the lodging sites at least two days per week and, outside those days, be available on call;

(2) make available to the workers a first-aid room including the equipment listed in Schedule I. The room must be kept clean, adequately heated and provided with toilet facilities and running water.”.

3. The following is added at the end:

“SCHEDULE I
(s. 51.14)

EQUIPMENT – FIRST-AID ROOM

Equipment:

— 2 pocket masks with oxygen inlet, a case and one-way valve;

— oxygen delivery equipment capable of supplying oxygen for medical purposes at a variable output between 0 and 25 litres for a minimum of 25 minutes at ambient temperatures from -20°C to 40°C. The volume is determined at a temperature of 20°C and a pressure of 101kPa. (2 type D or E oxygen bottles, regulators, flowmeters, safety boxes). The oxygen delivery equipment must comply with the standards of the Canadian Standards Association (CSA);

— 1 pulse oxymeter;

— 5 high concentration masks with reservoir bag;

— stretcher and backboard or combined equipment;

— 2 ambulance or hospital pillows;

— 4 pairs of ambulance stretcher sheets (4 fitted sheets and 4 flat sheets);

— 4 pillow covers;

— 1 forest first aid kit compliant with the large Type 3 intermediate first aid kit according to CAN/CSA Standard Z1220, First aid kits for the workplace;

— 2 woolen blankets;

— 1 waste receptacle with pedal-actuated lid;

— 2 containers for medical waste;

— 1 sink with hot and cold running water, including a quick adaptor for shower;

— 1 magnifying lamp;

— 1 small refrigerator;

— 1 table;

— 2 chairs;

Instruments:

— 1 stethoscope;

— 1 otoscope;

— 1 sphygmomanometer;

— 1 flashlight (mini lamp);

— 1 emergency splints kit;

— adjustable crutches;

— 1 pair bandage scissors;

— 1 pair suture scissors;

— 2 kidney basins;

— 1 ice bag or 4 instant cold packs;

— 2 pairs disposable splinter forceps;

— 1 pair tick forceps or tick remover and items needed for tick identification at a laboratory (airtight container and permanent marker);

Medical supplies:

— adhesive dressings, various sizes;

— bandage compresses, various sizes (4 in x 4 in and 6 in x 6 in);

— sterile eye dressing packets and eye patch with elastic band;

— gauze pads, various sizes (3 in x 3 in and 4 in x 4 in);

— triangular bandages;

— elastic bandage, various sizes (2 in x 2 yards and 3 in x 2 yards)

— sterile gauze roller bandage, various sizes;

— butterfly bandages;

— rolls of adhesive tape, various widths (regular and hypoallergenic);

— rolls of absorbent cotton;

— cotton balls;

- cotton swabs;
- tongue depressors;
- safety pins;
- tourniquets;
- alcohol swabs;
- disposable syringes and needles, various sizes;

Miscellaneous:

- protective goggles;
- resealable bags, food packaging type, various sizes (27 cm and 15 cm x 15 cm);
- plastic bags (60 cm x 70 cm or larger);
- plastic wrap roll, food packaging type;
- unscented soap;
- antiseptic solutions;
- paper towels;
- single-use nitrile gloves, various sizes;
- first-aid manual;
- Practical Guide for First Aiders in the Workplace: Intervention Protocols;
- *Cahier des secouristes en milieu de travail : Secteur forêt*;
- 2 bottles of 0.9% sodium chloride (NaCl);
- 2 glucose tubes or tablets;
- 1 glucose monitor (strips or lancing).

SCHEDULE II (s. 51.8)

EVACUATION PROTOCOL

A protocol should at least contain

- the name of the sector and the type of activity;
- the identity of the 40-hour forest first-aiders and the location of any evacuation vehicle;

- the location of the first aid kits;
- the location of the communications systems;
- a decision-making diagram to choose the means of evacuation (land or air) following an accident or illness;
- a telephone number for an ambulance service;
- a description of the meeting place of the evacuation vehicle (if present) and the ambulance, including the GPS coordinates;
- the telephone numbers of two air carriers indicating which one must be contacted first;
- the telephone numbers of two hospital centres to be informed in the case of air evacuation indicating which one must be contacted first;
- the coordinates of the point of evacuation by helicopter;
- the name of the person who prepared the protocol and the date.”.

4. The First-aid Minimum Standards Regulation (chapter A-3.001, r. 10) is amended in section 3 by replacing the second paragraph by the following:

“Despite the first paragraph, the employer in the “Forestry” sector covered by the Regulation respecting health and safety in forest development work (chapter S-2.1, r. 12.1) must see that at least one worker in 5 is a first-aiders.”.

5. Section 20 is amended by striking out paragraph 2.

6. Sections 20.1, 20.2 and 21.1 are revoked.

7. Schedule 1 is amended

(1) by replacing “(ss. 3, 20 and 20.1)” by “(ss. 3 and 20)”;

(2) by striking out section “B) Forestry”.

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

105393

M.O., 2021**Order 2021-24 of the Minister of Transport
dated 23 November 2021**

Highway Safety Code
(chapter C-24.2, s. 467)

Amendments to the approval of weigh scales

THE MINISTER OF TRANSPORT,

CONSIDERING section 467 of the Highway Safety Code (chapter C-24.2), which provides that the axle load and the total loaded mass of a road vehicle or combination of road vehicles are determined by means of devices designed for that purpose, approved by the Minister of Transport and used in the manner the Minister determines;

CONSIDERING that it is expedient to approve new weigh scales and cease to approve certain weigh scales;

ORDERS AS FOLLOWS:

1. The following weigh scales are approved:

Make	Model	Serial No.
HAENNI	WL-101	15165
HAENNI	WL-101	18255

2. Schedule II to the Ministerial Order concerning the approval of weigh scales (chapter C-24.2, r. 4) is amended by striking out the following line:

“BAIE ST-PAUL: 16015-138-EST”.

3. Schedule V is amended

(1) by inserting the following after the line “HAENNI WL-101 15164”:

“HAENNI WL-101 15165”;

(2) by inserting the following after the line “HAENNI WL-101 18254”:

“HAENNI WL-101 18255”;

(3) by striking out the following line:

“HAENNI WL-101 25849”;

(4) by striking out the following lines:

“HAENNI WL-101 25857
HAENNI WL-101 25858”;

(5) by striking out the following line:

“HAENNI WL-101 25860”;

(6) by striking out the following lines:

“HAENNI WL-101 25864
HAENNI WL-101 25865”;

(7) by striking out the following lines:

“HAENNI WL-101 29684
HAENNI WL-101 29685”;

(8) by striking out the following lines:

“HAENNI WL-101 29970
HAENNI WL-101 29971”;

(9) by striking out the following lines:

“HAENNI WL-101 30365
HAENNI WL-101 30366”;

(10) by striking out the following lines:

“HAENNI WL-101 30375
HAENNI WL-101 30376”;

(11) by striking out the following lines:

“HAENNI WL-101 31682
HAENNI WL-101 31683
HAENNI WL-101 31684
HAENNI WL-101 31685”;

(12) by striking out the following lines:

“HAENNI WL-101 32195
HAENNI WL-101 32196
HAENNI WL-101 32197
HAENNI WL-101 32198”.

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

Québec, 23 November 2021

FRANÇOIS BONNARDEL
Minister of Transport

105389

Draft Regulations

Draft Regulation

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Animals in captivity — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting animals in captivity, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting animals in captivity to improve protection against contagious diseases, in particular, those affecting large cervids. It provides for certain conditions for keeping, transporting and importing animals to reduce the risk of contamination, in particular, as regards the cleaning, equipment, layout and compliance of animal keeping facilities. It also amends the notion of keeper and the offences that may lead to penal proceedings.

The regulatory impact analysis shows that there may be a financial impact on certain enterprises that will have to modify their animal keeping facilities to comply with the stricter conditions.

Further information on the draft Regulation may be obtained by contacting Caio Alcântara-Vasconcelos, Service des affaires législatives fauniques, Direction de la conservation des habitats, des affaires législatives et des territoires fauniques, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691, extension 7524; email: Caio.Alcantara-Vasconcelos@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Élise Paquette, Acting Associate Deputy Minister for Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

PIERRE DUFOUR
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting animals in captivity

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 69, 2nd par. and s. 162, pars. 7, 14, 16, 22 and 23)

1. The Regulation respecting animals in captivity (chapter C-61.1, r. 5.1) is amended in section 8 by inserting the following paragraph at the end:

“(4) using a net, a trebuchet or a crow trap designed to capture live birds.”.

2. Section 10 is amended by replacing “September” in the part preceding paragraph 1 by “August”.

3. Sections 12 and 15 are revoked.

4. Section 16 is replaced by the following:

“**16.** An animal is kept in captivity if its movements are generally limited or directed by a keeper inside or outside an animal keeping facility.

For the purposes of this Regulation, a keeper is

(1) any person who exercises control over the conditions in which the animal is kept;

(2) if the animal is kept by an enterprise, the legal person or the owner of the enterprise, as well as any director, any officer, any representative, any employee or any volunteer of the enterprise who, in the performance of duties, exercises control over the conditions in which the animal is kept;

(3) any person who entrusts the keeping of the animal to an enterprise or a person and maintains some control over the conditions in which the animal is kept.”.

5. Section 17 is amended by replacing “aux” in the French text by “à l’un des”, “52” by “51”, and “to 98 and 106 to 109” by “, 97 and 106 to 108”.

6. Section 19 is amended

(1) by replacing “Only sections 53 to 56, 62, 65 and 86 to 95 apply” at the beginning by “Part III does not apply”;

(2) by adding “, except sections 53 to 56, 61.1 to 62 and 86 to 94” at the end.

7. Section 20 is replaced by the following:

“**20.** Part III does not apply to an animal being moved in a transport cage, except sections 46 to 50, 53 to 56, 62, 63, 71, 72, 82 to 84, 86, 91 to 94, 99, 100, 110, 116, 117, 119, 120, 124 and 125.”

8. Section 22 is amended

(1) by replacing “109” in the part preceding subparagraph 1 of the first paragraph by “108”;

(2) by inserting the following after subparagraph *f* of subparagraph 1 of the first paragraph:

“(f.1) the animal is used as a live decoy”;

(3) by inserting “, or if an animal is kept after seizure before it is confiscated” at the end of the second paragraph.

9. Section 26 is amended

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

“The water needs of an animal belonging to a species whose natural distribution range during winter is typically situated in an area where there are regular accumulations of snow may also be met by the availability of snow in the animal keeping facility if that snow is abundant, is mostly not compacted, and is not contaminated in particular by excrements, urine, litter or toxic substances.”;

(2) by striking out the last sentence of the third paragraph.

10. Section 28 is revoked.

11. Section 31 is amended by striking out “be laid out to” in the part preceding paragraph 1.

12. Section 45 is revoked.

13. Section 46 is amended

(1) in the first paragraph

(a) by striking out “health”;

(b) by replacing “when injured or sick” at the end by “when it has a health problem”;

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

“When, despite the care provided, a physical health problem seriously compromises an animal’s welfare and prevents it from engaging in its species’ usual behaviour, the animal must be euthanized.”

14. The following is inserted after section 46:

“**46.1.** When an animal has a chronic or recurrent physical health problem related to the conditions in which it is kept, those conditions must be changed without delay.

46.2. An animal whose poor state of health may be aggravated by gestation or egg laying, or whose poor state of health prevents it from caring for its offspring after birth, must be kept in conditions that prevent it from reproducing.”

15. Section 52 is revoked.

16. Section 53 is amended

(1) by inserting “designed to prevent its escape” after “transport cage”;

(2) by striking out “and prevents its escape” at the end.

17. The following is inserted after section 61:

“**61.1.** An animal or a group of animals showing a poor general state of health or signs of emaciation must be kept in an animal keeping facility that makes it possible to easily follow the state of health of the animal(s) on a daily basis.

61.2. An animal or a group of animals who is/are contagious or suspected of being contagious must be isolated from the other animals to avoid contaminating them.”

18. Section 65 is revoked.

19. The following is inserted after the heading of Division I of Chapter III of Part III:

“**65.1.** A female mammal at the end of gestation must have access to a calm space suitable for delivery.

65.2. Following delivery, a female mammal must be kept in conditions conducive to the raising of the offspring, in particular by being isolated from the other animals if this is how that species usually behaves in its natural environment.”

20. Section 69 is amended by inserting “referred to in the first paragraph” after “animal” in the second paragraph.

21. Section 70 is revoked.

22. Subparagraph 2 of the last paragraph of section 75 is amended

(1) by inserting “delimited by the ellipse drawn from the end of the clearance length on the opposite side from the top of the perimeter element to the base of the perimeter element and” after “zone”;

(2) by inserting “earth” after “accumulations of” in subparagraph *c*;

(3) by striking out subparagraph *d*.

23. Section 81 is amended by inserting “, except for shift doors,” after “facility” in the second paragraph.

24. Section 83 is amended by adding the following paragraph at the end:

“During that period, animals belonging to the family hippopotamids (*Hippopotamidae*) or elephantids (*Elephantidae*) may also be identified by means of distinctive marks pointed out by the keeper using a photograph of the animal kept with the register of a holder of a licence to keep animals in captivity provided for in section 44 of the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 20.1.1).”.

25. Section 85 is revoked.

26. The following is inserted after section 90:

90.1. A large cervid may not be kept in captivity at a site for keeping animals if a portion of that site was part of a site where a large cervid suffering from the chronic wasting disease of cervids has been kept in the last 20 years.”.

27. Section 91 is replaced by the following:

“**91.** A large cervid may only be moved to a site for keeping animals located in Québec if the animal keeping facility of the original site complies with the following conditions:

(1) none of the large cervids kept in captivity at the site have been diagnosed with the chronic wasting disease of cervids in the last 20 years;

(2) there is no reasonable ground to believe that a large cervid kept at the site carries the disease; and

(3) the large cervids kept at the site have been analyzed in accordance with section 134.2 for at least 6 years;

(4) at least one of the following conditions is met:

(a) in the last 6 years, no large cervids kept in captivity within a 45-km radius of the site or large cervids living in the wild within a 100-km radius of the site have been diagnosed with the chronic wasting disease of cervids; or

(b) the perimeter elements of the site prevent any contact with cervids living in the wild;

(5) all large cervids introduced in the animal keeping facility in the 6 years preceding the move met the criteria in subparagraphs 1 to 4.

In the case of an imported large cervid, a certificate from a public servant from the competent institution of the original jurisdiction indicating that the conditions provided for in this section are met must be enclosed with the notice provided for in the first paragraph of section 13. If applicable, for the condition provided for in subparagraph 3 of the first paragraph to be met, the method and laboratory may also be approved by a competent authority of the original jurisdiction.”.

28. Sections 95, 98, 105, 109, 118 and 126 are revoked.

29. Section 127 is amended by inserting the following after subparagraph 2 of the first paragraph:

“(2.1) an animal that is set free as part of a program established under paragraph 2 of section 7 of the Act respecting threatened or vulnerable species (chapter E-12.01);”.

30. Section 128 is amended by inserting “referred to in the second paragraph” after “animal” in the third paragraph.

31. Section 130 is amended

(1) by striking out subparagraph 3 of the first paragraph;

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

“(3) the animal is kept in captivity to be rehabilitated.”.

32. Section 131 is amended by striking out “, injury or limiting congenital malformations” in subparagraph 2 of the first paragraph.

33. The following is inserted after section 134:

“**134.1.** A keeper who has reasonable grounds to believe that a large cervid will die in the coming days must take the necessary measures so that, if the death occurs, the samples referred to in section 134.2 can be sent for analysis before they deteriorate.

134.2. The head, obex or retropharyngeal lymph nodes of a dead large cervid that is more than 12 months old must be sent by the keeper or the person who killed or euthanized the large cervid, along with the animal’s individual identification number, to a laboratory approved by the Canadian Food Inspection Agency, according to a method approved by that agency, so that an analysis to detect the chronic wasting disease of cervids can be conducted.”.

34. Section 135 is revoked.

35. The following is inserted after section 135:

“PART IV.1
PENAL

135.1. Every keeper who contravenes sections 25 to 27, 29, 31 to 44, 46 to 51, 53 to 55, the first paragraph of section 56, sections 57 to 61.2, the first and second paragraphs of section 62, sections 63, 64, 65.1 to 68, 72 to 84, 87 to 94, 96, 97, 101 to 104, 106 to 108, 111 to 117, 120 to 125 and 134.1, commits an offence and is liable to the fines provided for in section 171 or 171.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) if the offence is committed in respect of an animal from a threatened or vulnerable species.

Every keeper or every other person who contravenes sections 7 to 11, 13 and 14, the second paragraph of section 56, sections 69, 100, 127 to 134 and 134.2, commits an offence and is liable to the fines provided for in section 171 or 171.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) if the offence is committed in respect of an animal from a threatened or vulnerable species.”.

36. The following is inserted after section 138:

“**138.1.** For the purposes of subparagraph 3 of the first paragraph of section 91, large cervids moved from an original site located in Québec must have been analyzed in accordance with section 134.1 in the last 6 years or as of (insert the date of coming into force of this Regulation).

138.2. Until 15 September 2024, a large cervid from a site for keeping animals located in Québec may be moved to the site for keeping animals of a holder of a professional

licence to keep animals in a game ranch or a breeding farm issued under the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 20.1.1) in order to be killed there, even if the large cervid does not meet the conditions provided for in subparagraph 4 of the first paragraph of section 91, provided that the large cervid is from a herd certified by a voluntary chronic wasting disease herd certification program of the Canadian Food Inspection Agency.”.

37. Schedule 3 is amended by inserting, in alphabetical order, “Asfvirus: African swine fever virus” under the heading “(4) Virus”.

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

105392

Draft Regulation

Environment Quality Act
(chapter Q-2)

Compensation for municipal services provided to recover and reclaim residual materials — 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 compensation for municipal services provided to recover and reclaim residual materials, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes the operators of transactional websites and vendors subject to the payment of a contribution for containers and packaging resulting from sales of products acquired outside Québec. It also specifies the contributions payable by an establishment supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments.

The draft Regulation introduces a new method for calculating the cost of the services provided by municipalities that are eligible for compensation for the years 2024 and following, and specifies the necessary modifications for the payment of contributions and the annual compensation owed to municipalities.

The draft Regulation revokes the provisions providing for limitations and the division of the annual compensation owed to municipalities based on the materials and classes of materials subject to compensation.

Lastly, the draft Regulation specifies that the annual compensation owed to municipalities for the “newspaper” class of materials may be paid through a contribution in goods or services up to an amount representing 15% of the annual compensation due for this class of materials.

The effect of the draft Regulation is to increase fairness for persons required to pay contributions under the compensation regime and to reduce the impact on them of the upcoming transition to a modern system of selective collection. However, because of the potential for supplementary costs generated by municipal contracts for services for the collection, transportation, sorting and conditioning of the materials or classes of materials concerned, and the reduction in the potential for paying the contribution in the “newspaper” class of materials in the form of goods or services, the draft Regulation will impose a net cost estimated at \$14.5 million on the persons required to pay contributions for the years 2022 to 2025.

Further information on the draft Regulation may be obtained by contacting Valérie Lephât, Direction adjointe du 3RV-E, Direction des matières résiduelles, Ministère de l’Environnement et de la Lutte contre les changements climatiques, édifice Marie Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: valerie.lephat@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Geneviève Rodrigue, Associate Director, 3RV-E, Direction des matières résiduelles, Ministère de l’Environnement et de la Lutte contre les changements climatiques, édifice Marie Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 455-1569; email: genevieve.rodrigue@environnement.gouv.qc.ca.

BENOIT CHARETTE

*Minister of the Environment and
the Fight Against Climate Change*

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

Environment Quality Act
(chapter Q-2, ss. 53.31.2 to 53.31.5, 53.31.12, 53.31.12.1, 53.31.15, 53.31.17 and 53.31.18)

1. The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) is amended in section 3

(1) by replacing “or marketing” in subparagraph 1 of the first paragraph by “, marketing or any other type of distribution”;

(2) by replacing “may be” in the second paragraph by “is”;

(3) in the third paragraph,

(a) by replacing “a retail outlet” by “an establishment”;

(b) by replacing “may be” by “is”;

(c) by replacing “,” after “from the franchisor” by “or”;

(d) by replacing “ou” after “la chaîne” in the French text by “,”;

(e) by striking out “,” after “la bannière” in the French text;

(f) by replacing “or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec” by “having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the products or of the containers and packaging, other than the manufacturer, is required to pay the contributions, whether or not that supplier is the importer”.

2. Section 3.1 is amended

(1) in the first paragraph,

(a) by replacing “or marketing” by “, marketing or any other type of distribution in Québec”;

(b) by replacing “may be” by “is”;

(2) in the second paragraph,

(a) by replacing “a retail outlet” by “an establishment”;

(b) by replacing “may be” by “is”;

(c) by replacing “,” after “from the franchisor” by “or”;

(d) by replacing “ou” after “la chaîne” in the French text by “,”;

(e) by striking out “,” after “la bannière” in the French text;

(f) by replacing “or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec” by “having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the products or of the containers and packaging, other than the manufacturer, is required to pay the contributions, whether or not that supplier is the importer”.

3. The following is inserted after section 3.1:

“**3.2.** Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec that is not carrying on an organized economic activity, by a municipality, or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the contributions payable pursuant to a schedule of contributions established under section 53.31.14 of the Environment Quality Act (chapter Q-2) for containers and packaging used in the commercialization, marketing or distribution of any other kind in Québec of the product is required from

(1) the person operating the transactional website used to acquire the product that allows a person having no domicile or establishment in Québec to commercialize, market or distribute the product;

(2) the person from which the product was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

The same applies, with the necessary modifications, with respect to containers and packaging acquired outside Québec as part of a sale governed by the laws of Québec by a person domiciled or having an establishment in Québec that is not carrying on an organized economic activity, by a municipality, or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies, for its own use.”.

4. Section 4 is replaced by the following:

“**4.** Despite sections 3 and 3.1, the following provisions apply to containers and packaging added at a retail outlet:

(1) where a retail outlet is supplied or operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, the contributions for the containers or packaging added at the point of sale is payable by the franchisor or the owner of the chain, banner or group concerned having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the contributions are payable by the person who added the containers or packaging at the retail outlet;

(2) where a retail outlet having a total area equal to or greater than 929 m² is not operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, the contributions for the containers and packaging added at the point of sale is payable by the person who added the containers or packaging at the retail outlet;

(3) where a retail outlet having an area of less than 929 m² is not operated as a franchise or chain, under a banner name or as part of another similar form of affiliation or group of businesses or establishments, no contribution is payable for the containers and packaging added at the point of sale.”.

5. Section 6 is amended

(1) by replacing “may be” in the second paragraph by “is”;

(2) in the third paragraph,

(a) by replacing “a retail outlet” by “an establishment”;

(b) by replacing “may be” by “is”;

(c) by replacing “,” after “from the franchisor” by “or”;

(d) by replacing “ou” after “la chaîne” in the French text by “,”;

(e) by striking out “,” after “la bannière” in the French text;

(f) by replacing “or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec” by “having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the

first supplier in Québec of the newspaper or printed matter class of materials is required to pay the contributions, whether or not that supplier is the importer”.

6. Section 6.1 is amended in the second paragraph

- (1) by replacing “a retail outlet” by “an establishment”;
- (2) by replacing “may be” by “is”;
- (3) by replacing “,” after “from the franchisor” by “or”;
- (4) by replacing “ou” after “la chaîne” in the French text by “,”;
- (5) by striking out “,” after “la bannière” in the French text;
- (6) by replacing “or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec” by “having a domicile or establishment in Québec. If the franchisor or owner has no domicile or establishment in Québec, the first supplier in Québec of the newspaper or printed matter class of materials is required to pay the contributions, whether or not that supplier is the importer”.

7. The following is inserted after section 6.1:

**“DIVISION III.1
DECLARATION BY MUNICIPALITIES**

6.2. Every municipality is required to send to the Société québécoise de récupération et de recyclage, not later than 30 June each year, a declaration stating, for the year preceding the year for which the compensation is owed, the quantity of materials subject to compensation that was recovered and reclaimed in its territory and the net cost of the services it provided for the collection, transportation, sorting and conditioning of those materials.

The net cost referred to in the first paragraph corresponds to the expenses incurred by the municipality the year preceding the year for which the compensation is owed to provide services to collect, transport, sort and condition the materials or classes of materials subject to compensation that were sorted at source, from which is deducted any income, rebate or other gain related to the materials and received by the municipality.

Expenses incurred by a municipality for the purchase of containers, for information, awareness and educational activities or for the granting of service contracts and the follow-up on payments owed under such contracts are not included in the net costs mentioned in the second paragraph.

The declaration must be signed by the municipality’s external auditor, who must state whether, in the external auditor’s opinion, the information included meets the requirements of this section.

6.3. Any correction to a declaration sent by a municipality before 1 September of the year for which compensation is owed to the municipality must be received by the Société québécoise de récupération et de recyclage not later than 30 June of the following year.

The corrected declaration is subject to the conditions provided for in the fourth paragraph of section 6.2.

Adjustments resulting from a correction to a declaration are applied to the compensation owed to the municipality the following year.”.

8. The heading of Division IV is amended by striking out “DIVISION.”.

9. The heading of subdivision 1 of Division IV is amended by replacing “costs eligible for compensation and of management indemnity” by “compensation owed for the years 2022 and 2023”.

10. The following is inserted before section 7:

“**6.4.** This subdivision applies to the calculation of the annual compensation owed to municipalities for the years 2022 and 2023.”.

11. Section 7 is amended

- (1) in the first paragraph,
 - (a) by inserting “by the Société québécoise de récupération et de recyclage” after “based”;
 - (b) by replacing “. That cost corresponds to the expenses incurred by the municipality during that year to collect, transport, sort and condition the materials or classes of materials subject to compensation that were sorted at source, from which is deducted, any income, rebate or other gain related to the materials and received by the municipality” by “; as determined pursuant to the second paragraph of section 6.2. An amount equivalent to 6.45% of the net cost is also subtracted to take into account materials or classes of materials that, even if not referred to in section 2, are nonetheless recovered and treated during the collection, transportation, sorting and conditioning of the classes of materials designated in section 2”;
- (2) by striking out the second and third paragraphs.

12. Section 8.2 is amended

(1) by adding “, from which is subtracted 6.45% of that cost” at the end of the definition of “cost”;

(2) by adding “, from which is subtracted 6.45% of that quantity” at the end of the definition of “tonnes”;

(3) by replacing “quantity, in kilograms, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality” in the definition of “kg” by “value of “tonnes”, converted into kilograms”.

13. Section 8.4 is amended

(1) by replacing “8.6” in the first paragraph by “6.2, from which is subtracted 6.45% of that cost pursuant to section 7”;

(2) in the second paragraph,

(a) by replacing “quantity, in kilograms, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality” in the definition of “kg” by “value of “tonnes”, converted into kilograms”;

(b) by adding “, from which is subtracted 6.45% of that quantity” at the end of the definition of “tonnes”;

(3) by replacing “8.6” in the last paragraph by “6.2”.

14. Section 8.6 is revoked.**15.** Section 8.7 is amended

(1) in the first paragraph,

(a) by inserting “for the years 2021 to 2023,” after “(chapter Q-2),”;

(b) by replacing “8.6” by “6.2”;

(c) by replacing “cette dernière” in the French text by “la Société”;

(d) by replacing “de son contrôle” in the French text by “du contrôle de la municipalité”;

(2) by replacing “a given year” in the portion before subparagraph 1 of the second paragraph by “of one of the said years”;

(3) by striking out “For the year 2012, no compensation is owed to a municipality that did not send its declaration before 30 June 2014.” at the end of the third paragraph.

16. Section 8.7.1 is revoked.

17. Subdivision 2 and subdivision 2.1 of Division IV, comprising sections 8.8 to 8.9.1, are replaced by the following:

“§2. Calculation of the compensation owed for the years 2024 and following

8.8.1. This subdivision applies to the calculation of the annual compensation owed to municipalities for the years 2024 and following.

8.8.2. The amount of the annual compensation owed to each municipality for the years 2024 and following is obtained by applying the following formula:

$$\text{Comp.} = \text{NC} \times 0.9355 \times \text{CR2023} + \text{S}$$

In the formula in the first paragraph,

“Comp.” is the annual compensation owed to the municipality for a given year;

“NC” is the net cost declared by the municipality pursuant to section 6.2 for the services provided by it during the preceding year;

“CR2023” is the compensation rate of the municipality for the year 2023, as established pursuant to section 8.8.3;

“S” is the annual supplementary cost generated, where applicable, by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) that are entered into by the municipality after 24 September 2020 and take effect after 31 December 2022. The supplementary cost is established pursuant to section 8.8.4.

8.8.3. The compensation rate of a municipality for the year 2023 referred to in the second paragraph of section 8.8.2 is obtained by applying the following formula:

$$\text{CR2023} = \text{Comp2023} \div (\text{NC2022} \times 0.9355)$$

In the formula in the first paragraph:

“CR2023” is the compensation rate of the municipality for the year 2023;

“Comp2023” is the amount of the annual compensation owed to the municipality for the year 2023;

“NC2022” is the net cost declared by the municipality pursuant to section 6.2 for the services provided in the year 2022.

8.8.4. For the purpose of calculating the annual compensation owed to a municipality, provided for in section 8.8.2, the supplementary cost, if any, generated by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) that are entered into by the municipality after 24 September 2020 and take effect after 31 December 2022 must be considered. The amount of the supplementary cost, for a given year, is obtained by applying the following formula:

$$S = ((NCx \times 0.9355) - (NCx \times 0.9355 \times CR2023)) - (NC2022 \times 0.9355 - \text{Comp2023})$$

In the formula in the first paragraph,

“S” is the annual supplementary cost generated, where applicable, by the contracts referred to in section 18 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5) entered into by the municipality after 24 September 2020 that take effect after 31 December 2022;

“NCx” is the net cost declared by the municipality pursuant to section 6.2 for the services provided by it during the preceding year;

“CR2023” is the compensation rate of the municipality for the year 2023, as established pursuant to section 8.8.3;

“NC2022” is the net cost declared by the municipality pursuant to section 6.2 for the services provided in the year 2022;

“Comp2023” is the amount of the annual compensation owed to the municipality for the year 2023.

8.8.5. Where municipalities form a group for the supply of services for the collection, transportation, sorting and conditioning of materials or classes of materials subject to compensation, the compensation rate for such a new group for the year 2023, referred to in the second paragraph of section 8.8.2, is the highest compensation rate for the year 2023 among the compensation rates for the municipalities in the group.

8.8.6. In accordance with section 53.31.4 of the Environment Quality Act (chapter Q-2), for the years 2024 and following, the compensation owed to a municipality

that fails to send a declaration complying with the prescriptions of section 6.2 to the Société québécoise de récupération et de recyclage within the time set in that section is reduced by 10% as a penalty, unless the Société deems that the failure results from special circumstances beyond the municipality’s control.

If a municipality fails to file the declaration by 1 September of a given year, the compensation owed to the municipality is the same as the compensation owed to it for the previous year, reduced by 20% as a penalty.

However, the penalty of 20% provided for in the second paragraph is not applicable if the Société deems that the failure results from special circumstances beyond the municipality’s control.

Despite the payment of compensation to a municipality under the provisions of the second or third paragraph, the municipality is still required to send its declaration to the Société as soon as possible.”.

18. The heading of subdivision 3 of Division IV is replaced by the following:

“§3. Proposed schedule of contributions and payment of contributions”.

19. The following is inserted before 8.10:

“8.9. A certified body must send to the Société québécoise de récupération et de recyclage, not later than 31 December of the year in which the current schedule expires, the proposed schedule referred to in section 53.31.15 of the Environment Quality Act (chapter Q-2).”.

20. Section 8.10 is amended by replacing the third and fourth paragraphs by the following:

“Despite the first and second paragraphs, the amount of the compensation owed to the municipalities for the years 2024 and following must be paid to the Société by the certified body in the following manner:

(1) for the year 2024:

(a) at least 40% of the amount due before the end of the fifth month following the publication in the *Gazette officielle du Québec* of the schedule referred to in section 53.31.15 of the Environment Quality Act;

(b) at least 80% of the amount due before the end of the seventh month following the publication in the *Gazette officielle du Québec* of the said schedule;

(c) the balance before the end of the thirteenth month following the publication in the *Gazette officielle du Québec* of the said schedule;

(2) for the year 2025 and subsequent years:

(a) at least 30% of the amount due before the end of the fifth month following the publication in the *Gazette officielle du Québec* of the schedule referred to in section 53.31.15 of the Environment Quality Act;

(b) at least 60% of the amount due before the end of the seventh month following the publication in the *Gazette officielle du Québec* of the said schedule;

(c) the balance before the end of the eighteenth month following the publication in the *Gazette officielle du Québec* of the said schedule.”

21. Section 8.12 is amended

(1) in the first paragraph,

(a) by striking out “, in whole or in part,”;

(b) by adding “, representing up to 15% of that amount” at the end;

(2) by striking out the second paragraph.

22. Section 8.12.2 is amended by striking out the second paragraph.

23. Section 8.13 is amended

(1) by inserting “for the years 2022 and 2023” after “municipalities”;

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

“The amount of the compensation owed to the municipalities for the years 2024 and following must be distributed not later than 30 days after a payment is received from the certified body pursuant to section 8.10.”

24. Section 8.14 is amended

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

“The amount payable annually to the Société québécoise de récupération et de recyclage to indemnify it for its management costs and other expenses mentioned in section 53.31.18 of the Environment Quality Act (chapter Q-2) is equal to 2% of the annual compensation owed to the municipalities under Division IV.”;

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

“If there is more than one certified body, the amount of the indemnity is divided among them in proportion to the compensation owed that is paid to them under the schedule of contributions established pursuant to section 53.31.15 of the Environment Quality Act.”

25. Section 8.15 is amended

(1) in the first paragraph, by replacing “31 December each year” by “the due date for the first payment of the annual compensation provided for in section 8.10”;

(2) by striking out the second paragraph.

26. Section 11 of the Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, enacted by Order in Council 1302-2013 dated 11 December 2013, is revoked.

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

105395

Draft Regulation

Professional Code
(chapter C-26)

Dispensing opticians

— **Professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d’ordonnances du Québec**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d’ordonnances du Québec, made by the board of directors of the Ordre des opticiens d’ordonnances du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation authorizes the engaging in of professional activities by persons registered in a program of study leading to a diploma giving access to the permit issued by the Ordre des opticiens d’ordonnances

du Québec and persons who must complete a program of study, training, training period or examination as part of the procedure for recognizing the equivalence of a diploma or training provided for by regulation of the Order made under paragraphs *c* and *c.1* of section 93 of the Professional Code (chapter C-26). It also determines the terms and conditions on which those persons may engage in those activities.

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

Further information on the draft Regulation may be obtained by contacting Karine Blais, Director General and Secretary of the Ordre des opticiens d'ordonnances du Québec, 630, rue Sherbrooke Ouest, bureau 601, Montréal (Québec) H3A 1E4; telephone: 514 288-7542 or 1 800 563-6345; email: ordre@opticien.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Roxanne Guévin, Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Higher Education and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

ROXANNE GUÉVIN

Secretary, Office des professions du Québec

Regulation respecting the professional activities that may be engaged in by persons in the process of obtaining a permit issued by the Ordre des opticiens d'ordonnances du Québec

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

1. The activities referred to in sections 8 and 9 of the Dispensing Opticians Act (chapter O-6), except the sale of ophthalmic lenses, may be engaged in by the following persons on the terms and conditions determined in this Regulation:

(1) a person registered in a program of study leading to a diploma giving access to the permit issued by the Ordre des opticiens d'ordonnances du Québec;

(2) a person who must complete a program of study, training, training period or examination as part of the procedure for recognizing the equivalence of a diploma

or training provided for by regulation of the Order made under paragraphs *c* and *c.1* of section 93 of the Professional Code (chapter C-26).

2. A person referred to in section 1 may engage in the professional activities provided for therein where the person

(1) engages in the activities as part of a program of study, training, training period or examination referred to in section 1;

(2) engages in the activities under the direct and constant supervision of a dispensing optician responsible for the supervision;

(3) engages in the activities in compliance with the following standards:

(a) the standards of professional conduct provided for by regulation of the Order made under section 87 of the Professional Code (chapter C-26);

(b) the standards related to the keeping of records and offices provided for by regulation of the Order made under section 91 of the Professional Code; and

(4) is duly registered in the register kept for that purpose by the Order.

As part of the registration in the register, a person referred to in section 1 must provide accurate information to the Order.

3. A dispensing optician who meets the following conditions may act as supervisor pursuant to section 2:

(1) has a minimum of 5 years of experience;

(2) has not been the subject, in the 3 years preceding the supervision,

(a) of a decision of the disciplinary council of the Order or the Professions Tribunal imposing a penalty; or

(b) a decision of the board of directors requiring the person to complete a period of refresher training or a refresher course, a restriction on or suspension of the right to practise, striking off the roll of the Order or a revocation of the permit.

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

105396

