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## Part 2

# LAWS AND REGULATIONS

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19 January 2022 / Volume 154

### **Summary**

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Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
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**PROVINCE OF QUÉBEC**

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 30 NOVEMBER 2021

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OFFICE OF THE LIEUTENANT-GOVERNOR

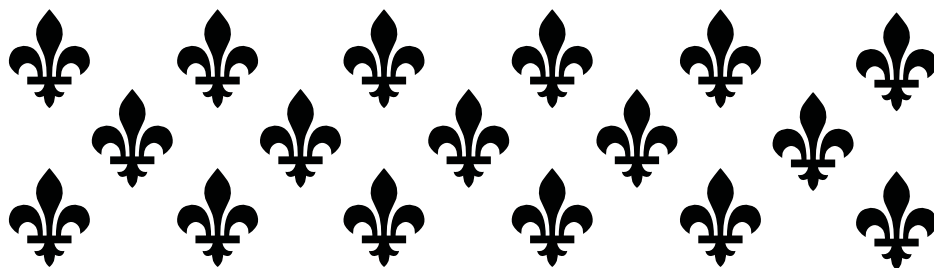
*Québec, 30 November 2021*

This day, at twenty past noon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

92 An Act to create a court specialized in sexual violence and domestic violence (*modified title*)

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





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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 92  
(2021, chapter 32)

**An Act to create a court specialized in  
sexual violence and domestic violence**

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**Introduced 15 September 2021  
Passed in principle 22 September 2021  
Passed 26 November 2021  
Assented to 30 November 2021**

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**Québec Official Publisher  
2021**

## EXPLANATORY NOTES

*This Act creates a court specialized in sexual violence and domestic violence in order to reserve a special procedure for proceedings involving such violence, including having the proceedings heard by the Division Specialized in Sexual Violence and Domestic Violence of the Court of Québec.*

*The Act empowers the Government to determine the types of proceedings to be heard by the Specialized Division as well as empowering the Minister of Justice to determine the judicial districts in which the specialized court is established and, as a result, where the Specialized Division may sit.*

*The Act provides for continuing education on the realities relating to sexual violence and domestic violence to persons who may intervene within the specialized court.*

*The Act entrusts the Conseil de la magistrature with establishing a professional development program on the realities relating to sexual violence and domestic violence, after consultation with the persons and bodies it considers appropriate.*

*Candidates for the office of judge are required to undertake to complete the professional development program if appointed. Retired judges from the Court of Québec and retired presiding justices of the peace must also have completed the program to be authorized to exercise judicial functions.*

*The Act provides for the Conseil de la magistrature to submit a report annually to the Minister on the implementation of the program and for the report to be then tabled in the National Assembly.*

*The Act grants the Minister the power to implement a pilot project in at least five judicial districts to establish a specialized court in order to reserve a special procedure for proceedings involving sexual violence or domestic violence. For that purpose, the Minister may establish a division within the Criminal and Penal Division of the Court of Québec called “Division Specialized in Sexual Violence and Domestic Violence” that hears all such proceedings. The Minister may determine the types of proceedings to be heard by the Specialized Division and the judicial districts in which it may sit.*



*The Act requires the Commission des services juridiques to set up a consultation service for persons who are victims of sexual violence or domestic violence. The consultation is no longer than four hours, although the Commission may, if circumstances warrant, grant extra hours.*

*The Act allows the Government to appoint no more than three Deputy Directors of Criminal and Penal Prosecutions on the recommendation of the Minister, one of whom is to be chosen from among criminal and penal prosecuting attorneys with at least 10 years' practice as advocates.*

*Lastly, the Act makes transitional and final provisions.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Act respecting municipal courts (chapter C-72.01);
- Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1);
- Public Service Act (chapter F-3.1.1);
- Courts of Justice Act (chapter T-16).

**REGULATIONS AMENDED BY THIS ACT:**

- Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4);
- Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1).



## **Bill 92**

### **AN ACT TO CREATE A COURT SPECIALIZED IN SEXUAL VIOLENCE AND DOMESTIC VIOLENCE**

AS sexual violence and domestic violence problems in society are widely prevalent and complex;

AS it is important that psychosocial and justice system actors act in a concerted manner to prevent and fight those problems;

AS respecting the rights of an accused, including the presumption of innocence, is one of the founding principles of the penal and criminal system;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** This Act is intended to rebuild trust in the justice system for persons who are victims of sexual violence or domestic violence and, for that purpose, to see that measures are taken so that persons wishing to do so may initiate and pursue a judicial process.

It is intended to ensure that psychosocial and judicial services offered to persons who are victims are integrated and adapted, that the physical premises are laid out in a safe and reassuring manner and that a sustained effort is made to reduce delays in processing files.

It is intended to ensure a special procedure for proceedings involving sexual violence or domestic violence and ensure the professional development of actors in those matters to reduce the risks of secondary victimization that would expose persons who are victims to trivialization of or a lack of sensitivity regarding the violence they have suffered.

It is intended to ensure that the special needs of persons who are victims of sexual violence or domestic violence are considered all along their journey, including during the judicial process.

It is intended to ensure that persons who are victims are supported by specialized and dedicated actors, and that their specialization is ensured through continuing education.

It is intended to ensure that support measures take into account the cultural and historic realities of First Nations and Inuit persons who are victims.

## ACT RESPECTING MUNICIPAL COURTS

**2.** The Act respecting municipal courts (chapter C-72.01) is amended by inserting the following section after section 33:

**“33.1.** Any person who is a candidate for the office of judge shall undertake to complete, if appointed, the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

## COURTS OF JUSTICE ACT

**3.** Section 80 of the Courts of Justice Act (chapter T-16) is amended by adding the following paragraph at the end:

“The Criminal and Penal Division shall include a division called “Division Specialized in Sexual Violence and Domestic Violence”.”

**4.** The Act is amended by inserting the following section after section 83:

**“83.0.1.** The court specialized in sexual violence and domestic violence is created everywhere in Québec in order to reserve a special procedure for proceedings involving sexual violence or domestic violence, as soon as a person who is a victim contacts a police department, so that

(1) all proceedings involving sexual violence or domestic violence are heard before the Division Specialized in Sexual Violence and Domestic Violence; and

(2) the special needs of persons who are victims and the singular context in which they find themselves are considered throughout the proceedings.

For the purposes of establishing the specialized court,

(1) the Government may, by regulation, determine the types of proceedings heard before the Division Specialized in Sexual Violence and Domestic Violence, which may vary on the basis of any distinction considered useful, in particular on the basis of the judicial districts;

(2) the Minister of Justice may, however, by order and after consulting the Court of Québec and the other partners from the justice system that the Minister considers appropriate, determine the judicial districts in which the court is to be gradually established and, as a result, where the Division Specialized in Sexual Violence and Domestic Violence may sit;

(3) the Director of Criminal and Penal Prosecutions must determine, in light of the facts and circumstances of a case, whether the alleged criminal offence involves sexual violence or domestic violence and, if such is the case and subject to the regulation made under subparagraph 1, refer the case to the Division Specialized in Sexual Violence and Domestic Violence;

(4) the Minister offers persons who are victims services that are integrated and adapted to their needs, which must include support measures, physical premises laid out in a safe and reassuring manner and coordination of the files, regardless of which division of the Court of Québec or Superior Court is to hear any proceeding;

(5) the Minister favours the handling of a proceeding by the same prosecutor at every stage; and

(6) the Minister is responsible for ensuring that the government departments and bodies concerned offer basic and specialized continuing education on the realities relating to sexual violence and domestic violence to persons who may intervene within the specialized court, in particular to defense attorneys, prosecutors, clerks, investigators, police officers, court personnel, interpreters and psychosocial workers; in order to offer such continuing education, the government departments and bodies consult the persons and bodies they consider appropriate on the basis of their experience, expertise, sensitivity or interest regarding those matters.

In the report prepared under section 16.1 of the Act respecting the Ministère de la Justice (chapter M-19), the Minister includes a section about the continuing education offered on the realities relating to sexual violence and domestic violence during the preceding year. That section includes, in particular, for each continuing education activity,

(1) its title, a description of its content, its duration and the dates on which it was offered;

(2) the department or body that offered the activity; and

(3) the number of persons who attended and their professional occupation.”

**5.** The Act is amended by inserting the following section after section 87:

**“87.1.** Any person who is a candidate for the office of judge shall undertake to complete, if appointed, the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

**6.** Section 93 of the Act is amended by adding the following paragraph at the end:

“To be authorized to exercise such functions, a retired judge must have completed the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

**7.** The Act is amended by inserting the following section after section 162:

**“162.1.** Any person who is a candidate for the office of presiding justice of the peace shall undertake to complete, if appointed, the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

**8.** Section 165.1 of the Act is amended by adding the following paragraph at the end:

“To be authorized to exercise such functions, a retired presiding justice of the peace must have completed the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

**9.** Section 257 of the Act is amended by adding the following paragraph at the end:

“In particular, the council shall establish a professional development program on the realities relating to sexual violence and domestic violence. For that purpose, the council shall consult the persons and bodies it considers appropriate on the basis of their experience, expertise, sensitivity or interest in connection with such matters.”

**10.** The Act is amended by inserting the following section after section 259:

**“259.1.** Not later than 31 March each year, the council shall submit a report to the Minister of Justice on the implementation, in the preceding year, of the professional development program on the realities relating to sexual violence and domestic violence.

For each professional development activity, the report shall include, in particular,

(1) its title, a description of its content, its duration and the dates on which it was held; and

(2) the number of judges and presiding justices of the peace who attended it.

The Minister shall table the report in the National Assembly within 15 days of receiving it if the Assembly is sitting or, if it is not sitting, within 15 days of resumption.”

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN  
OTHER LEGAL SERVICES

**11.** The Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by inserting the following after the heading of Chapter III:

**“DIVISION I**

**“CONSULTATION SERVICE FOR PERSONS WHO ARE VICTIMS OF  
SEXUAL VIOLENCE OR DOMESTIC VIOLENCE**

**“83.0.1.** The Commission shall ensure that a consultation service is available to persons who are victims of sexual violence or domestic violence, whether or not financially eligible for legal aid, so that they may receive, free of charge, a maximum of four hours of legal assistance on any issues of law in connection with the violence suffered.

The Commission may, if circumstances warrant, grant a person who is a victim extra hours.

**“DIVISION II**

**“SERVICES PROVIDED TO PERSONS TO ENSURE THEIR RIGHT TO  
A FAIR TRIAL OR FOLLOWING THE ISSUE OF A COURT ORDER  
CONCERNING THE DESIGNATION OF COUNSEL”.**

**12.** The Act is amended by replacing all occurrences of “this chapter” in sections 83.2, 83.3, 83.9, 83.16 and 83.18 by “this division”.

ACT RESPECTING THE DIRECTOR OF CRIMINAL AND PENAL  
PROSECUTIONS

**13.** Section 5 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) is amended

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

“The Government appoints no more than three Deputy Directors on the recommendation of the Minister of Justice. At least one of the Deputy Directors is chosen from among criminal and penal prosecuting attorneys with at least 10 years’ practice as advocates. The Government also determines the length of the Deputy Directors’ term, which may not be shorter than five years nor longer than seven. The Director defines the duties of the Deputy Directors.”;

(2) in the second paragraph,

(a) by replacing “The person recommended” by “A person recommended”;

(b) by replacing “a notice inviting criminal and penal prosecuting attorneys to apply” by “an invitation for applications”;

(3) by replacing “The Deputy Director” in the third paragraph by “A Deputy Director”.

**14.** Section 6.1 of the Act is amended

(1) by replacing “The Deputy Director” in the first paragraph by “A Deputy Director”;

(2) by replacing “the Deputy Director” in the second paragraph by “a Deputy Director”.

**15.** Section 7 of the Act is amended by replacing “the Deputy Director” by “the Deputy Directors”.

**16.** Sections 8 and 10 of the Act are amended by replacing all occurrences of “the Deputy Director” by “the Deputy Directors”.

**17.** Section 9 of the Act is replaced by the following section:

“**9.** If the Director is absent or unable to act, the Minister may designate a Deputy Director to act in that capacity for the period the Director is absent or unable to act.

If the office of Director is vacant following a resignation or otherwise, the Minister may designate a Deputy Director to act as interim Director for a period not exceeding 18 months.

The Deputy Director designated by the Minister under this section must be a criminal and penal prosecuting attorney with at least 10 years’ practice as an advocate.”

**18.** Sections 11, 16 and 25 of the Act are amended by replacing all occurrences of “the Deputy Director” and “or Deputy Director” by “a Deputy Director” and “or a Deputy Director”, respectively.

**19.** Schedule 1 to the Act is amended by replacing “d’adjoind au directeur” in the first paragraph in the French text by “de directeur adjoind”.

**PUBLIC SERVICE ACT**

**20.** Section 115 of the Public Service Act (chapter F-3.1.1) is amended by replacing “the Deputy Director” in subparagraph 3 of the first paragraph by “one of the Deputy Directors”.



REGULATION RESPECTING THE SELECTION PROCEDURE OF  
CANDIDATES FOR THE OFFICE OF JUDGE OF THE COURT OF  
QUÉBEC, MUNICIPAL COURT JUDGE AND PRESIDING JUSTICE OF  
THE PEACE

**21.** Schedule A to the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1) is amended by inserting the following paragraph before the last paragraph:

“I undertake to complete, if appointed, the professional development program on the realities relating to sexual violence and domestic violence established by the Conseil de la magistrature.”

REGULATION RESPECTING THE APPLICATION OF THE ACT  
RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN  
OTHER LEGAL SERVICES

**22.** Section 97 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) is amended by inserting “Division II of” before “Chapter III”.

**23.** Section 100 of the Regulation is amended by replacing “with Chapter III” in paragraph 1 by “with Division II of Chapter III”.

**24.** Section 102 of the Regulation is amended by inserting “Division II of” before “Chapter III” in the introductory clause.

TRANSITIONAL AND FINAL PROVISIONS

**25.** The Minister of Justice must, by regulation, implement a pilot project in at least five judicial districts to establish a specialized court in order to reserve a special procedure for proceedings involving sexual violence or domestic violence as soon as a person who is a victim contacts a police department.

Within the context of the pilot project, which must be evaluated on an ongoing basis,

(1) the Minister may, by regulation, establish a division within the Criminal and Penal Division of the Court of Québec called “Division Specialized in Sexual Violence and Domestic Violence” that hears all proceedings involving sexual violence or domestic violence;

(2) the regulation under subparagraph 1 may, however, determine which types of proceedings are heard before the Specialized Division, which may vary on the basis of any distinction considered useful, in particular on the basis of judicial districts;

(3) the Minister may, by order and after consulting the Court of Québec and the other partners from the judicial system that the Minister considers appropriate, determine the judicial districts in which the Specialized Division may sit; such determination takes into account territorial and populational representativeness, physical facilities and the volume of proceedings;

(4) the Director of Criminal and Penal Prosecutions must determine, in light of the facts and circumstances of a case, whether the alleged criminal offence involves sexual violence or domestic violence and, if such is the case and subject to the regulation made under subparagraphs 1 and 2, refer the case to the Specialized Division;

(5) the Minister offers persons who are victims services that are integrated and adapted to their needs, which must include support measures, physical premises laid out in a safe and reassuring manner and coordination of the files, regardless of which division of the Court of Québec or Superior Court is to hear any proceeding;

(6) the Minister favours the handling of a proceeding by the same prosecutor at every stage;

(7) the Minister is responsible for ensuring that the government departments and bodies concerned offer basic and specialized continuing education on the realities relating to sexual violence and domestic violence to persons who may intervene within the specialized court, in particular to defense attorneys, prosecutors, clerks, investigators, police officers, court personnel, interpreters and psychosocial workers; in order to offer such continuing education, the government departments and bodies consult the persons and bodies they consider appropriate on the basis of their experience, expertise, sensitivity or interest regarding those matters; and

(8) the Minister must prepare the establishment of the permanent specialized court referred to in section 83.0.1 of the Courts of Justice Act (chapter T-16) and undertakes to establish it everywhere in Québec within two years after the end of the pilot project, unless exceptional circumstances warrant otherwise.

Every pilot project implemented under this section ends at the latest on 30 November 2024.

For the purposes of the evaluation required under the second paragraph, the Minister constitutes an advisory panel and appoints its members.

**26.** The Minister reports on the implementation of this Act not later than five years after its coming into force.

The report gives an account of whether the objectives provided for in section 1 have been attained.

The report is tabled in the National Assembly within 15 days or, if the Assembly is not in session, within 15 days of resumption.

**27.** The second paragraph of section 93 and the second paragraph of section 165.1 of the Courts of Justice Act, enacted by sections 6 and 8, respectively, do not apply to judges of the Court of Québec or to presiding justices of the peace who retired before 30 May 2022.

**28.** This Act comes into force on 30 November 2021, except sections 3 and 4, which come into force on 30 November 2024 or an earlier date to be set by the Government.



## Draft Regulations

### Draft Regulation

Act respecting labour standards  
(chapter N-1.1)

#### Labour standards — 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 labour standards, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases, as of 1 May 2022, the general rate of the minimum wage to \$14.25 per hour and the rate of the minimum wage payable to an employee who receives gratuities or tips to \$11.40 per hour. It also increases, as of the same date, the minimum wage payable to raspberry and strawberry pickers.

The proposed increases in the minimum wage will help maintain the purchasing power of low-wage employees while enabling them to participate in the collective wealth. They constitute a work incentive and form part of the government measures to favour solidarity and social inclusion. They will also maintain the competitiveness of enterprises in the sectors of activity concerned by taking into account their capacity to pay.

Further information on the draft Regulation may be obtained by contacting Louis-Philippe Roussel, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 5<sup>e</sup> étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 80149 or 1 888-628-8934, extension 80149 (toll free); email: louis-philippe.roussel@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

JEAN BOULET  
*Minister of Labour, Employment  
and Social Solidarity*

### Regulation to amend the Regulation respecting labour standards

Act respecting labour standards  
(chapter N-1.1, s. 40, 1st par., s. 89, par. 1, and s. 91, 1st par.)

**1.** The Regulation respecting labour standards (chapter N-1.1, r. 3) is amended in section 3 by replacing “\$13.50” by “\$14.25”.

**2.** Section 4 is amended by replacing “\$10.80” by “\$11.40”.

**3.** Section 4.1 is amended

(1) by replacing “\$4.01” in subparagraph 1 of the first paragraph by “\$4.23”;

(2) by replacing “\$1.07” in subparagraph 2 of the first paragraph by “\$1.13”.

**4.** This Regulation comes into force on 1 May 2022.

105474

### Draft Regulation

Professional Code  
(chapter C-26)

#### Physicians — Certain professional activities that may be engaged in by a pharmacist — 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 certain professional activities that may be engaged in by a pharmacist, made by the board of directors of the Collège des médecins 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 ensures concordance with the Regulation respecting the professional activities of pharmacists that may be engaged in by a technical assistant,

a technician or a person in the process of obtaining a permit for the practice of pharmacy, made by the Ordre des pharmaciens du Québec.

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 Maude Thibault, notary, Direction des affaires juridiques, Collège des médecins du Québec, 1250, boulevard René-Lévesque Ouest, bureau 3500, Montréal (Québec) H3B 0G2; telephone: 514 933-4441, extension 5277, or 1 888 633-3246, extension 5277; email: [mthibault@cmq.org](mailto:mthibault@cmq.org).

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<sup>e</sup> étage, Québec (Québec) G1R 5Z3; email: [secretariat@opq.gouv.qc.ca](mailto: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 to amend the Regulation respecting certain professional activities that may be engaged in by a pharmacist

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

**1.** The Regulation respecting certain professional activities that may be engaged in by a pharmacist (chapter M-9, r. 12.2.1) is amended by replacing section 6 by the following:

“6. A person who is in the process of obtaining a permit to practise pharmacy within the meaning of the Regulation respecting the professional activities of pharmacists that may be engaged in by technical assistants, technicians or persons who are in the process of obtaining a permit to practise pharmacy (*insert reference to the Gazette officielle du Québec*) may engage in the professional activities provided for in this Regulation if the person engages in the activities under the constant supervision of a pharmacist responsible for the activities who must be available to intervene on short notice.”

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

105476

## Draft Regulation

Professional Code  
(chapter C-26)

### Podiatrists — Code of ethics of podiatrists — 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 Code of ethics of podiatrists, made by the board of directors of the Ordre des podiatres 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 mainly removes the current prohibition against podiatrists holding funds or property on behalf of patients. It also updates the Code of ethics in particular to take into account the most recent amendments to the Professional Code (chapter C-26).

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 Martine Gosselin, Director General and Secretary, Ordre des podiatres du Québec, 7151, rue Jean Talon Est, bureau 700, Montréal (Québec) H1M 3N8; telephone: 514 288-0019, extension 255, or 1 888 514-7433, extension 255; email: [mgosselin@ordredespodiatres.qc.ca](mailto:mgosselin@ordredespodiatres.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<sup>e</sup> étage, Québec (Québec) G1R 5Z3; email: [secretariat@opq.gouv.qc.ca](mailto: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*

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## Regulation to amend the Code of ethics of podiatrists

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

**1.** The Code of ethics of podiatrists (chapter P-12, r. 5.01) is amended by inserting the following after section 4:

“**4.1.** In their practice of podiatry, podiatrists must show respect for the dignity and freedom of persons and refrain from any form of discrimination based on a ground mentioned in section 10 of the Charter of human rights and freedoms (chapter C-12) and from any form of harassment.

### **4.2.** Podiatrists must not

(1) commit an act involving collusion, corruption, malfeasance, breach of trust or influence peddling;

(2) attempt to commit such an act or counsel another person to do so; or

(3) conspire to commit such an act.”

**2.** Section 9 is amended by replacing paragraph 3 by the following:

“(3) refrain from performing acts that are unwarranted from a podiatry point of view, in particular by performing them more frequently than necessary or dispensing them in an exaggerated manner.”

**3.** Section 11 is replaced by the following:

“**11.** Podiatrists must refrain from practising in circumstances or a state likely to compromise the quality of their practice or acts, or the honour or dignity of the profession. They must refrain from practising podiatry while under the influence of any substance which may affect their faculties.

**11.1.** Except in emergencies or in cases which are manifestly not serious, podiatrists must refrain from treating themselves or from treating any person with whom there is a relationship likely to impair the quality of their practice, in particular their spouse or children.

**11.2.** During the professional relationship, podiatrists must not establish friendships likely to compromise the quality of their professional services, or relations of an amorous or sexual nature with a patient or relative of the patient. They must also refrain from making remarks or gestures of a sexual nature to a patient or relative of the patient.

The duration of the professional relationship is determined by taking into account, in particular, the nature of the issues and the duration of the professional services provided, the patient’s vulnerability and the likelihood of having to provide professional services to the patient again.”

**4.** The following is inserted after section 14:

“**14.1.** Podiatrists must not, directly or indirectly, take advantage or attempt to take advantage of the state of dependence or vulnerability of a person to whom professional services are offered or provided.

**14.2.** Podiatrists using information technology in providing professional services must ensure that

(1) the patient consents to the use of information technology;

(2) professional secrecy is preserved by taking all reasonable means, in particular by making sure that the patient’s identity is protected;

(3) the patient is able to use the computer application and understands the purpose and operation of the computer application; and

(4) the computer application meets the patient’s needs.”

**5.** Section 18 is replaced by the following:

“**18.** Before providing professional services, podiatrists must ensure that the patient or, where applicable, the patient’s legal representative, provides free and enlightened consent to professional services being provided, except in an emergency where consent cannot be obtained.

To that effect, podiatrists must ensure that the patient understands the information relevant to consent, which must include

(1) the nature and scope of the problem which, in their opinion, results from the patient’s condition;

(2) the advantages, inconveniences, risks and limitations of the therapeutic procedures and recommended treatment plan as well as their alternatives;

(3) the patient’s right to refuse, in whole or in part, the professional services offered and to revoke, at any time, consent, as well as the foreseeable consequences of not providing treatment;

(4) the fact that the professional services may be provided, in whole or in part, by another person;

(5) the confidentiality rules and their limitations, as well as the conditions associated with the communication of confidential information about the professional services;

(6) the approximate and expected cost of their professional fees and all other fees, as well as any cost modifications; and

(7) the mutual responsibilities of the parties, including, if applicable, agreement on the amount of professional fees and the other fees, as well as the terms and conditions of payment.

**18.1.** Podiatrists must ensure that the patient's consent remains free and enlightened throughout the professional relationship.”

**6.** The following is inserted after section 20:

“**20.1.** If professional podiatry services are provided by another person from the clinic, podiatrists must first assess the patient and establish a treatment plan.

Podiatrists must also examine the patient on each subsequent visit.

**20.2.** Podiatrists must provide the follow-up that may be required by interventions with a patient. The follow-up may be provided by another podiatrist or another health professional. In such a case, podiatrists must cooperate with the other podiatrist or health professional.”

**7.** Section 21 is amended

(1) by replacing “cease to provide professional services to patient” in the portion before paragraph 1 by “refuse to provide professional services to a patient, cease to provide professional services to a patient or reduce their accessibility”;

(2) by adding the following after paragraph 4:

“(5) abusive behaviour by the patient, which may manifest itself as harassment, threats, aggressive acts or acts of a sexual nature.”

**8.** Section 22 is replaced by the following:

“**22.** Before ceasing to provide professional services to a patient, podiatrists must give reasonable notice and ensure that the patient will be able to continue receiving the services required by the patient's health condition from another podiatrist or another health professional.

Podiatrists must also ensure that ceasing to provide services does not pose an imminent risk to the patient's health and is not unduly prejudicial to the patient.”

**9.** The following is inserted after section 31:

“**31.1.** Podiatrists acting as experts or conducting an assessment must

(1) inform the person who is the subject of the expert opinion or assessment of the identity of the recipient of the report and of the person's right to obtain a copy;

(2) refrain from obtaining information from the person that is not relevant to the expert opinion or assessment and from making comments of a similar nature to the person; and

(3) limit their report or recommendations and, if applicable, any deposition before the court solely to the relevant facts of the expert opinion or assessment.”

**10.** Section 34 is amended by adding the following paragraph at the end:

“Podiatrists must not disclose that a person used their services.”

**11.** The following is inserted after section 47:

“**47.1.** Podiatrists who claim administrative fees for an appointment missed by the patient must do so according to the conditions agreed to in advance with the patient, it being understood that the fees may not exceed the expenses incurred.”

**12.** Section 48 is replaced by the following:

“**48.** Podiatrists must handle with care any funds or property entrusted to them. They may not lend them or use them for purposes other than those for which they were entrusted to them.

Podiatrists who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when the property is entrusted to the partnership or joint-stock company in the performance of the professional services.”

**13.** Section 55 is amended

(1) by striking out paragraph 17;

(2) by adding the following at the end:



“(23) voluntarily and without sufficient reason abandoning a patient requiring supervision while in the course of treatment;

(24) not informing the Order if they have reason to believe that another member used funds or property for purposes other than those for which they were entrusted to the member in the practice of the member’s profession;

(25) using for their own purposes the funds or property entrusted to them in the practice of their profession, in particular using them as a personal loan or security or investing them to their own advantage, whether in their name, through an intermediary or on behalf of a legal person or partnership or joint-stock company in which they hold an interest.”

**14.** The following is inserted after section 57:

“**57.1.** Podiatrists must ensure the accuracy of the information provided to the Order.

**57.2.** Podiatrists must inform the syndic of the Order if they have reason to believe that a situation is likely to affect the competence or integrity of another member of the Order.

**57.3.** Podiatrists must inform the Order if they have reason to believe that another member of the Order, an intern, a student or any other person authorized to practise podiatry has performed an act in contravention of the Professional Code (chapter C-26), the Podiatry Act (chapter P-12) or their regulations.”

**15.** The following is inserted after section 60:

**“DIVISION IV.1  
RESEARCH**

**60.1.** Podiatrists who participate, in any way whatsoever, in a research project must first ensure that the project and any significant changes to it have been approved by a recognized research ethics committee that respects existing standards, in particular regarding its composition and procedures. They must also ensure that professional duties and obligations are made known to all persons collaborating with them on the project.

**60.2.** Before undertaking a research project, podiatrists must consider all the foreseeable consequences on the research subjects and society. To that end, podiatrists must, in particular

(1) consult the persons likely to help in deciding whether to undertake the research project or in taking measures intended to eliminate risks to the research subjects; and

(2) ensure that the persons collaborating with them on the research project respect the physical and psychological integrity of the research subjects.

**60.3.** Podiatrists must respect a person’s right to refuse to participate in a research project or to withdraw at any time. To that end, podiatrists must refrain from pressuring a person who is likely to be eligible for such a project.

**60.4.** Podiatrists must ensure that the research subject or, where applicable, the research subject’s legal representative, is adequately informed

(1) of the research project’s objectives and the manner in which it will be conducted, the advantages, risks or disadvantages related to the person’s participation, the fact, if applicable, that the podiatrist will derive a benefit from enrolling or maintaining the participant in the research project and any other element likely to influence the participant’s consent;

(2) of the quality and reliability of the measures for the protection of the confidentiality of the information collected as part of the research project;

(3) that free and enlightened written consent must be obtained before the person begins participating in the research project or when there is any significant change in the research protocol;

(4) that the consent is revocable at any time;

(5) that clear, specific and enlightened consent must be obtained before communicating information concerning the research subject to a third person for the purposes of scientific research; and

(6) that the podiatrist intends to use, if applicable, an inadequately tested technique or treatment.

**60.5.** Podiatrists who undertake or participate, in any way whatsoever, in a research project on persons must comply with the generally accepted scientific principles and ethical standards warranted by the nature and purpose of the project.

**60.6.** Podiatrists may not participate, in any way whatsoever, in a research project that plans to offer the research subject a financial consideration with a view to encouraging participation, except the payment of a compensation for the losses incurred and the constraints endured.

**60.7.** Podiatrists who participate, in any way whatsoever, in a research project must declare their interest and disclose any situation of conflict of interest to the research ethics committee.

**60.8.** Where the carrying out of a research project is likely to cause prejudice to persons or the community, or where the research appears not to comply with generally accepted scientific principles and ethical standards, podiatrists who participate in the research must notify the research ethics committee or any other appropriate authority.

**60.9.** After having notified the research ethics committee or any other appropriate authority, podiatrists must cease any form of participation or collaboration in a research project where they have reason to believe that the risks to the health of subjects are disproportionate to the potential benefits they may derive from it or the benefits the subjects would derive from regular treatment or care.

**60.10.** Podiatrists must promote the positive impacts, for society, of the research projects in which they participate. To that end, they support the means intended to ensure that the findings of the projects, whether they are conclusive or not, are made public or made available to other interested persons.

In addition, podiatrists must not knowingly conceal from the persons or authorities concerned the negative findings of any research project in which they participated.”

**16.** Section 63 is replaced by the following:

“**63.** Podiatrists may not engage in or allow, by any means whatsoever, including social media, advertising that is aimed at persons who are vulnerable, in particular because of their age, their state of health, their personal condition or the occurrence of a specific event.”

**17.** Section 66 is replaced by the following:

“**66.** Podiatrists may not, in their advertising, in social media or in any public intervention, use or allow the use of an expression of support or gratitude concerning them or, where applicable, concerning the partnership or joint-stock company within which they carry on professional activities.”

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

105479

## Draft Regulation

Professional Code  
(chapter C-26)

### Podiatrists

#### — Compensation procedure of the Ordre des podiatres 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 compensation procedure of the Ordre des podiatres du Québec, made by the board of directors of the Ordre des podiatres 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 compensates claimants following the use by a podiatrist of funds or property for purposes other than those for which they were entrusted by the claimant to the podiatrist.

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 Martine Gosselin, Director General and Secretary, Ordre des podiatres du Québec, 7151, rue Jean-Talon Est, bureau 700, Montréal (Québec) H1M 3N8; telephone: 514 288-0019, extension 255, or 1 888 514-7433, extension 255; email: mgosselin@ordredespodiatres.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<sup>e</sup> 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*

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## Regulation respecting the compensation procedure of the Ordre des podiatres du Québec

Professional Code  
(chapter C-26, s. 89.1)

**1.** A claimant may be compensated in accordance with this procedure following the use by a podiatrist of funds or property for purposes other than those for which they were entrusted to the podiatrist under a regulation of the Ordre des podiatres du Québec made under section 89 of the Professional Code (chapter C-26).

**2.** The board of directors forms a committee charged with examining and deciding claims.

The committee is composed of at least 3 members, including 1 elected director and 1 director appointed to the board of directors.

**3.** To be admissible, a claim must

(1) be sent in writing to the Order within 12 months of the claimant becoming aware that the funds or property have been used by a podiatrist for purposes other than those for which they were entrusted to the podiatrist;

(2) be accompanied by proof of the steps taken with the podiatrist to recover the funds or property;

(3) state the facts in support of the claim and be accompanied by all relevant documents; and

(4) indicate the amount claimed.

The period referred to in subparagraph 1 of the first paragraph may be extended by the committee if the claimant shows that, for a reason beyond the claimant's control, the claimant was unable to file the claim within that period.

**4.** A request made to the Order with regard to facts likely to give rise to a claim is deemed to be a claim if the request is filed within the period referred to in subparagraph 1 of the first paragraph of section 3.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of the first paragraph of section 3 are met.

**5.** The secretary of the Order sends every admissible claim to the committee and the podiatrist within 15 days following the date on which the claim becomes admissible.

**6.** The secretary of the Order informs the podiatrist and the claimant of the date of the meeting during which the claim will be examined and of their right to make representations.

**7.** The committee decides whether it is expedient to accept a claim in whole or in part. Where applicable, it fixes the compensation.

The substantiated decision is final.

**8.** The maximum amount that may be paid for the period covering the fiscal year of the Order is

(1) \$2,000 for a claimant in respect of a podiatrist;

(2) \$6,000 for all the claimants in respect of a podiatrist; and

(3) \$20,000 for all the claimants.

Where all the claims filed for the period covering the fiscal year of the Order exceeds \$20,000, the amount paid to each claimant is paid in proportion of each claim.

**9.** Where the claimant is in a vulnerable situation, in particular because of age, physical or psychological state or social condition, the committee may, exceptionally and after having obtained the approval of the board of directors, pay an amount greater than those provided for in section 8.

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

105478

## Draft Regulation

Professional Code  
(chapter C-26)

### Pharmacists

**—Professional activities of pharmacists that may be engaged in by a technical assistant, a technician or a person in the process of obtaining a permit for the practice of pharmacy**

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 of pharmacists that may be engaged in by a technical assistant, a technician or a person in the process of obtaining a permit for the practice of pharmacy, made by the board

of directors of the Ordre des pharmaciens 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 specifies the professional activities reserved for pharmacists that may be engaged in by pharmacy technical assistants, pharmacy technicians and persons in the process of obtaining a permit for the practice of pharmacy, taking into account the new activities authorized under the Act to amend mainly the Pharmacy Act to facilitate access to certain services (2020, chapter 4).

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 Vincent Généreux-De Guise, attorney, Ordre des pharmaciens du Québec, 266, rue Notre-Dame Ouest, bureau 301, Montréal (Québec) H2Y 1T6; telephone: 514 284-9588, extension 317, or 1 800 363-0324, extension 317; email: vgenereux@opq.org.

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<sup>e</sup> 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 of pharmacists that may be engaged in by a technical assistant, a technician or a person in the process of obtaining a permit for the practice of pharmacy**

Pharmacy Act  
(chapter P-10, s. 10, 1st par., subpar. a)

### **DIVISION I COMMON PROVISIONS**

**1.** Every person who engages in professional activities under this Regulation must

(1) act under the continuous supervision of a pharmacist who is responsible for that person and who is available to intervene on short notice; and

(2) comply, with the necessary modifications, with the regulatory standards applicable to the activities engaged in and those related to professional conduct and keeping records.

### **DIVISION II PROVISIONS APPLICABLE TO PHARMACY TECHNICAL ASSISTANTS AND PHARMACY TECHNICIANS**

**2.** A pharmacy technical assistant or a pharmacy technician may engage in the professional activities referred to in subparagraphs 5 and 9 of the second paragraph of section 17 of the Pharmacy Act (chapter P-10).

For the purposes of this Regulation, “pharmacy technical assistant” means every person who holds a vocational training diploma awarded by the Ministère de l'Éducation after completing studies in pharmacy technical assistance and successfully followed the training provided for in the Règlement sur l'activité de formation des pharmaciens pour l'administration d'un médicament (chapter P-10, r. 1.1) during their program of study or complementary training.

Similarly, “pharmacy technician” means every person who holds a diploma of college studies awarded by the Ministère de l'Enseignement supérieur after completing studies in pharmacy techniques.

### **DIVISION III PROVISIONS APPLICABLE TO PERSONS IN THE PROCESS OF OBTAINING A PERMIT FOR THE PRACTICE OF PHARMACY**

**3.** A person in the process of obtaining a permit for the practice of pharmacy who is duly entered in the register kept for that purpose by the Ordre des pharmaciens du Québec may engage in the professional activities listed in section 17 of the Pharmacy Act (chapter P-10).

For the purposes of this Regulation, “person in the process of obtaining a permit for the practice of pharmacy” means

(1) a person registered in a program of study in pharmacy leading to a diploma giving access to the permit issued by the Order;

(2) a person registered in a program of study leading to a diploma giving access to a legal authorization to practise pharmacy issued in another Canadian province and who undergoes a training period in Québec within the scope of that program of study;

(3) a person registered in a program of study leading to a diploma in pharmacy issued by an educational institution located outside Canada and who is undergoing a training period in Québec within the scope of that program of study;

(4) a person who must undergo a training period under the Règlement sur la délivrance d'un permis de l'Ordre des pharmaciens du Québec pour donner effet à l'arrangement conclu par l'Ordre en vertu de l'Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles (chapter P-10, r. 13.1);

(5) a person whose training equivalence is granted in part under the Règlement sur les normes d'équivalence de diplôme et de la formation aux fins de la délivrance d'un permis de pharmacien (chapter P-10, r. 18) and who must successfully complete courses or training periods to obtain full equivalence.

**4.** The person referred to in subparagraph 1, 4 or 5 of the second paragraph of section 3 may continue to engage, in accordance with this Regulation, in the activities that are provided for therein during the 30 days following the date on which the person completed the program of study, training period or training, as the case may be.

**5.** This Regulation replaces the Regulation defining the acts described in section 17 of the Pharmacy Act which may be performed by classes of persons other than pharmacists (chapter P-10, r. 1) and the Regulation respecting the professional activities that may be engaged in by persons other than pharmacists (chapter P-10, r. 3).

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

105477



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## Erratum

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### Draft Regulation

Highway Safety Code  
(chapter C-24.2)

#### Licences

##### — Amendment

*Gazette officielle du Québec*, Part 2, January 5, 2022,  
Volume 154, No. 1, page 41.

On page 43, section 21 should read:

“**84.3.3.** In the case of suspension of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2), other than a licence exclusively in class 8, the amount of the reimbursement of the duties is the product obtained by multiplying the monthly duties calculated in accordance with the third paragraph of section 73.4.1 by the number of months, excluding parts of a month, between the date of the suspension and the date on which the suspension is lifted.”.

105475

