no. 29

Part 2
LAWS AND REGULATIONS

19 July 2023 / Volume 155

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

Contents

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

(6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

Rates*

1. Annual subscription to the printed version

Partie 1 «Avis juridiques»:	$572
Partie 2 «Lois et règlements»:	$784
Part 2 «Laws and Regulations»:	$784

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: $12.24 per copy.

3. Publication of a document in Partie 1:
$1.97 per agate line.

4. Publication of a document in Part 2:
$1.31 per agate line.

A minimum rate of $286 is applied, however, in the case of a publication of fewer than 220 agate lines.

*** Taxes not included.**

General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email (gazette.officielle@servicesquebec.gouv.qc.ca) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

Gazette officielle du Québec
Email: gazette.officielle@servicesquebec.gouv.qc.ca

425, rue Jacques-Parizeau, 5e étage
Québec (Québec) G1R 4Z1

Subscriptions

For a subscription to the printed version of the *Gazette officielle du Québec*, please contact:

Les Publications du Québec
Customer service – Subscriptions
425, rue Jacques-Parizeau, 5e étage
Québec (Québec) G1R 4Z1
Telephone: 418 643-5150
Toll free: 1 800 463-2100

Fax: 418 643-6177
Toll free: 1 800 561-3479

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

Table of Contents

Page

Acts 2023

Regulations and other Acts

Draft Regulations

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

Québec, 7 june 2023

Office of the Lieutenant-Governor

Québec, 7 June 2023

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

11 An Act to amend the Act respecting end-of-life care and other legislative provisions

25 An Act to fight illegal tourist accommodation

200 An Act respecting the cancellation of a servitude encumbering certain lots situated in Ville de Carignan

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

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 11
(2023, chapter 15)

An Act to amend the Act respecting end-of-life care and other legislative provisions

Introduced 16 February 2023
Passed in principle 4 April 2023
Passed 7 June 2023
Assented to 7 June 2023

Québec Official Publisher
2023

EXPLANATORY NOTES

The purpose of this Act is mainly to amend the Act respecting end-of-life care as regards eligibility for medical aid in dying.

The Act allows persons suffering from a serious and incurable illness leading to incapacity to give consent to care to make an advance request for medical aid in dying so that they can receive such aid once they have become incapable. The Act prescribes the applicable rules regarding the content and form of such an advance request and establishes the responsibilities of the various resources that participate in making or implementing it. Furthermore, it determines the criteria to be complied with in order for medical aid in dying to be administered to a person who has become incapable of giving consent to care, in particular the criteria regarding observation of the clinical manifestations related to their illness that they described in the request. The Commission sur les soins de fin de vie is also given the function of overseeing the application of the requirements specific to advance requests for medical aid in dying.

The Act also allows persons who have a serious physical impairment causing significant and enduring disabilities to receive medical aid in dying, provided they meet the other conditions set out in the Act. Furthermore, the Act provides that a mental disorder other than a neurocognitve disorder cannot be an illness for which a person may make a request for medical aid in dying. In addition, the Act withdraws the end-of-life criterion from the criteria a person must meet to obtain medical aid in dying.

The Act makes other adjustments to the Act respecting end-of-life care. In particular, specialized nurse practitioners may administer continuous palliative sedation and medical aid in dying. It also provides that no palliative care hospice may exclude medical aid in dying from the care they offer or refuse to admit a person for the sole reason that they have made a request for medical aid in dying. The Act specifies that medical aid in dying may be administered elsewhere than in a facility maintained by an institution, in the premises of a palliative care hospice or at the patient's home provided the other place has been authorized beforehand. Furthermore, the Act prohibits promoting or advertising a good or service supplied in the course of a commercial activity by associating it directly or indirectly with medical aid in dying, as well as charging any amount related directly

or indirectly to obtaining such aid. The Act also amends the composition and mandate of the Commission sur les soins de fin de vie as well as the rules concerning the information that must be sent to the Commission and how it may use that information and the rules concerning the communication of the information.

The Act amends the Civil Code and the Public Health Act to allow a nurse who establishes that a death has occurred to draw up an attestation of death and fill out the certificate of death.

Lastly, the Act makes consequential amendments to other Acts.

LEGISLATION AMENDED BY THIS ACT:

– Civil Code of Québec;

– Coroners Act (chapter C-68.01);

– Nurses Act (chapter I-8);

– Medical Act (chapter M-9);

– Public Health Act (chapter S-2.2);

– Act respecting health services and social services (chapter S-4.2);

– Act respecting end-of-life care (chapter S-32.0001).

Bill 11

AN ACT TO AMEND THE ACT RESPECTING END-OF-LIFE CARE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING END-OF-LIFE CARE

1. Section 1 of the Act respecting end-of-life care (chapter S-32.0001) is amended

(1) by inserting ", including medical aid in dying," after "end-of-life care" in the first paragraph;

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

"In addition, this Act allows the exercise of some of those rights by patients who are not at the end of life so that they receive end-of-life care in cases where their condition requires it.";

(3) by replacing "In addition, the Act recognizes" in the second paragraph by "Lastly, this Act recognizes".

2. Section 2 of the Act is amended

(1) by striking out "end-of-life" in paragraphs 1 and 2;

(2) by replacing "end-of-life patients" in paragraph 3 by "patients".

3. Section 3 of the Act is amended

(1) by striking out "en fin de vie" in paragraph 2 in the French text;

(2) by replacing "by a physician of medications or substances to an end-of-life patient" in paragraph 6 by "by a competent professional of medications or substances to a patient".

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

"**3.1.** For the purposes of this Act, "competent professional" means a physician or a specialized nurse practitioner."

5. Section 4 of the Act is amended

(1) by adding the following sentence at the end of the second paragraph: "Medical aid in dying may be administered in another place so as to ensure respect for the person's dignity and autonomy as well as the importance of such care, provided the place is authorized beforehand by the director of professional services or the director of nursing care of the local authority referred to in section 99.4 of the Act respecting health services and social services (chapter S-4.2) that serves the territory in which the place is situated.";

(2) by inserting ", including the right to receive the services required by their condition" at the end of the third paragraph.

6. Section 5 of the Act is amended by replacing "The physician" in the fourth paragraph by "The competent professional".

7. Section 7 of the Act is amended by adding the following paragraph at the end:

"If the institution is a public institution, it must establish an interdisciplinary group composed of experts whose functions are to support and accompany, on request, the health or social services professionals or the other resources concerned who take part in the end-of-life care provided. Such a group supports and accompanies, on request, any professional or other resource concerned practising or exercising their functions in a centre operated by a private institution or in a palliative care hospice."

8. Section 8 of the Act is amended

(1) by replacing ", to the health and social services professionals who practise in the institution, and to end-of-life patients and their close relations" in the first paragraph by "and to the health or social services professionals who practise in the institution. It must also be made known to patients whose condition could require end-of-life care and to their close relations";

(2) by replacing "a physician as a physician practising in a centre operated by the institution" in the third paragraph by "a competent professional as a physician or a specialized nurse practitioner practising in a centre operated by the institution";

(3) by inserting the following paragraph after the third paragraph:

"The report must list the information set out in the second and third paragraphs according to the type of request for medical aid in dying and according to the type of competent professional concerned."

9. Section 10 of the Act is amended by replacing "end-of-life patients" by "patients with respect to end-of-life care".

10. Section 13 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "However, no palliative care hospice may exclude medical aid in dying from the care it offers.";

(2) by adding the following sentence at the end of the second paragraph: "No palliative care hospice may refuse to admit a person for the sole reason that they have made a request for medical aid in dying."

11. Section 15 of the Act is amended

(1) by replacing "end-of-life patients" in the first paragraph by "patients with respect to end-of-life care";

(2) by replacing "end-of-life patients and their close relations" in the second paragraph by "patients whose condition could require end-of-life care and their close relations".

12. Section 18 of the Act is amended by replacing "end-of-life patients" in the first paragraph by "patients with respect to such care".

13. Section 21 of the Act is amended

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

"Such a person may also, at any reasonable time, enter any premises where they have cause to believe that medical aid in dying is associated with a good or service supplied in the course of a commercial activity or that an amount related to obtaining such aid has been charged, to verify compliance with section 50.2.";

(2) by replacing "those premises" in subparagraph 1 of the second paragraph by "premises referred to in the first paragraph or any document relating to the promotion or advertising of a good or service referred to in section 50.2 or relating to an amount referred to in that section";

(3) by striking out "is guilty of an offence and" in the fifth paragraph.

14. Section 24 of the Act is amended by replacing "the physician" in the second paragraph by "the competent professional".

15. The Act is amended by inserting the following before section 26:

"§1. — *Request for medical aid in dying*

"**25.1.** A request for medical aid in dying must be made before such aid can be obtained.

Such a request is called a "contemporaneous request for medical aid in dying" or "contemporaneous request" where it is made with a view to an administration of such aid that is contemporaneous to the request. It is called an "advance request for medical aid in dying" or "advance request" where it is made in anticipation of a person becoming incapable of giving consent to care, with a view to an administration of such aid after the onset of that incapacity.

"§2. — *Special provisions applicable to contemporaneous requests for medical aid in dying*".

16. Section 26 of the Act is amended

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

"In order to obtain medical aid in dying following a contemporaneous request, a patient must, in addition to making a request that complies with this section and, where applicable, section 27, meet the following criteria:

(1) be of full age and capable of giving consent to care, subject to the exception provided for in the third paragraph of section 29 with regard to the patient's capacity;

(2) be an insured person within the meaning of the Health Insurance Act (chapter A-29);

(3) be in one of the following situations:

(*a*) suffer from a serious and incurable illness and be in a medical state of advanced, irreversible decline in capability; or

(*b*) have a serious physical impairment causing significant and enduring disabilities; and

(4) experience enduring and unbearable physical or psychological suffering that cannot be relieved under conditions the patient considers tolerable.

For the purposes of subparagraph 2 of the first paragraph, a person with respect to whom the cost of the insured health services they receive or may receive is assumed otherwise than under the Health Insurance Act due to their detention in Québec or due to the fact that they are resident in Québec and in active service in the Canadian Armed Forces is considered an insured person within the meaning of that Act.

For the purposes of subparagraph *a* of subparagraph 3 of the first paragraph, a mental disorder other than a neurocognitive disorder cannot be an illness for which a person may make a request.";

(2) by replacing "if the professional is not the attending physician, the signed form is to be given by the professional to the attending physician" in the third paragraph by "the professional who is not the competent professional treating the patient must forward the signed form to the competent professional".

17. Section 27 of the Act is amended by replacing "requesting medical aid in dying" by "making a contemporaneous request".

18. Section 28 of the Act is amended by replacing "request for medical aid in dying" in the first paragraph by "contemporaneous request".

19. Section 29 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing ", the physician must" in the introductory clause by "following a contemporaneous request, the competent professional must";

(*b*) by replacing subparagraph *b* of subparagraph 1 by the following subparagraph:

"(*b*) making sure that the request is an informed one, in particular by informing the patient of the prognosis for the illness or of the anticipated clinical course of the physical impairment considering the patient's condition, of the therapeutic possibilities and their consequences or of the appropriate measures for compensating for the patient's disabilities;";

(*c*) by replacing subparagraph *e* of subparagraph 1 by the following subparagraph:

"(*e*) if the patient so wishes, discussing the request with the patient's close relations or with any other person the patient identifies;";

(*d*) by inserting the following subparagraph after subparagraph 2:

"(2.1) if the patient has a physical impairment, make sure that the patient has evaluated the possibility of obtaining support, advisory or assistance services from, among others, the Office des personnes handicapées du Québec, a community organization or a peer assistant, such as assistance to initiate a service plan process for them; and";

(*e*) by replacing "physician confirming" in subparagraph 3 by "competent professional confirming";

(2) by replacing "The physician consulted" and "the physician seeking the second medical opinion. The physician" in the second paragraph by "The professional consulted" and "the professional seeking the opinion. The professional", respectively;

(3) in the third paragraph,

(*a*) by replacing "the physician" in the introductory clause by "the competent professional";

(*b*) by replacing "and in the presence of a health professional" in subparagraph 2 by "by means of the form prescribed by the Minister and in the presence of a competent professional".

20. The Act is amended by inserting the following after section 29:

"§3. — *Special provisions applicable to advance requests for medical aid in dying*

"I. — *Criteria for obtaining medical aid in dying*

"**29.1.** In order to obtain medical aid in dying following an advance request, a patient must, in addition to making a request that complies with sections 29.2, 29.3 and 29.7 to 29.10, meet the following criteria:

(1) at the time the patient makes the request:

(*a*) be of full age and capable of giving consent to care;

(*b*) be an insured person within the meaning of the Health Insurance Act (chapter A-29); and

(*c*) suffer from a serious and incurable illness leading to incapacity to give consent to care; and

(2) at the time medical aid in dying is to be administered:

(*a*) be incapable of giving consent to care due to their illness;

(*b*) still meet the criteria set out in subparagraphs *b* and *c* of subparagraph 1;

(*c*) be exhibiting, on a recurring basis, the clinical manifestations related to their illness that they described in the request; and

(*d*) be in a medical state

i. of advanced, irreversible decline in capability, and

ii. that gives a competent professional cause to believe, based on the information at their disposal and according to their clinical judgment, that the patient is experiencing enduring and unbearable physical or psychological suffering that cannot be relieved under conditions considered tolerable.

For the purposes of subparagraph *b* of subparagraph 1 of the first paragraph, a person with respect to whom the cost of the insured health services they receive or may receive is assumed otherwise than under the Health Insurance Act due to their detention in Québec or due to the fact that they are resident in Québec and in active service in the Canadian Armed Forces is considered an insured person within the meaning of that Act.

For the purposes of subparagraph *c* of subparagraph 1 of the first paragraph, a mental disorder other than a neurocognitive disorder cannot be an illness for which a person may make a request.

"II. — *Criteria and other provisions relating to making an advance request*

"**29.2.** The patient must make the advance request for themselves, in a free and informed manner, and record it on the form prescribed by the Minister. The form must be dated and signed by the patient.

If the patient making the request cannot record it on that form or date and sign the form because they cannot write or are physically incapable of doing so, a third person may do so in the patient's presence.

The third person may not be a member of the care team responsible for the patient and may not be a minor or a person of full age incapable of giving consent.

"**29.3.** A patient making an advance request must be assisted by a competent professional.

With the assistance of the professional, the patient must describe in detail in the request the clinical manifestations related to their illness that, when the patient has become incapable of giving consent to care and a competent professional finds that they are exhibiting those manifestations, must be considered to be the expression of their consent to medical aid in dying being administered to them once all the criteria set out in this Act have been met.

The professional must ensure that the clinical manifestations described in the request meet the following criteria:

(1) be medically recognized as being clinical manifestations that can be related to the illness from which the patient suffers; and

(2) be observable by a competent professional who would have to observe those manifestations before administering medical aid in dying.

"**29.4.** The competent professional providing assistance to the patient must

(1) be of the opinion that the patient meets the criteria set out in subparagraph 1 of the first paragraph of section 29.1 and that the request is being made in accordance with section 29.2, after, among other things,

(*a*) making sure that the request is being made freely, in particular by ascertaining that it is not being made as a result of external pressure;

(*b*) making sure that the request is an informed one, in particular by ascertaining that the patient has clearly understood the nature of the diagnosis and by informing the patient of the anticipated course of and the prognosis for the illness and of the therapeutic possibilities and their consequences;

(*c*) discussing the patient's request with any members of the care team who are in regular contact with the patient; and

(*d*) if the patient so wishes, discussing the request with the patient's close relations or with any other person the patient identifies; and

(2) make sure that the patient has had the opportunity to discuss the request with the persons the patient wished to contact.

"**29.5.** The competent professional providing assistance to the patient must notify them that the advance request, made in compliance with this Act, will not automatically lead to the administration of medical aid in dying. For that purpose, the competent professional must, in particular, inform the patient of the following:

(1) an eventual finding that they are exhibiting, on a recurring basis, the clinical manifestations related to their illness that are described in the request will not by itself suffice to allow medical aid in dying to be administered;

(2) the aid may be administered to them only if two competent professionals are of the opinion that both of the following criteria have been met:

(*a*) the patient's medical state gives those professionals cause to believe, based on the information at their disposal and according to their clinical judgment, that the patient is experiencing enduring and unbearable physical or psychological suffering that cannot be relieved under conditions considered tolerable; and

(*b*) the patient meets all the other criteria set out in subparagraph 2 of the first paragraph of section 29.1; and

(3) the possibility of withdrawing or modifying the advance request and the applicable terms and conditions for the withdrawal or modification.

The competent professional must be sure to provide the information required under subparagraphs 1 to 3 of the first paragraph in a manner that is clear and accessible to the patient.

"**29.6.** The patient may designate in the advance request a trusted third person to whom they entrust the following responsibilities:

(1) notify a health or social services professional who provides care to the patient due to their illness where the trusted third person believes

(*a*) the patient is exhibiting the clinical manifestations related to their illness that are described in the request; or

(*b*) the patient is experiencing enduring and unbearable physical or psychological suffering; and

(2) when the patient has become incapable of giving consent to care, notify any health or social services professional who provides care to the patient due to their illness of the existence of the request, or remind such a professional of its existence.

The patient may also designate in the request a second trusted third person who, if the first trusted third person is deceased or is prevented from acting, in particular due to their incapacity, or refuses or neglects to do so, replaces that third person.

A trusted third person may not be a minor or a person of full age incapable of giving consent.

"**29.7.** After the form has been signed by the person making the advance request or, where applicable, by the third person referred to in the second paragraph of section 29.2, the competent professional providing assistance to the patient dates and countersigns the form to attest compliance with sections 29.3 to 29.5.

A trusted third person who consents to being designated affixes their signature on the form and dates it.

"**29.8.** The advance request must be made by notarial act *en minute* or in the presence of witnesses by means of the form referred to in section 29.2.

If the request is made by notarial act *en minute*, the duly completed form must be annexed to the notarial act.

If the advance request is made in the presence of witnesses, the patient declares, in the presence of two witnesses, that the form contains the patient's advance request, without having to disclose the contents.

The witnesses date and countersign the form.

No such witness may be a minor or a person of full age incapable of giving consent. Nor may they be designated as a trusted third person in the request or act as a competent professional for the purpose of administering medical aid in dying to the patient.

"**29.9.** All signatories of the advance request form must be in each other's presence when they affix their signature. A signatory may, however, be present remotely where the technological means used for that purpose allows all signatories to be identified, heard and seen in real time.

"**29.10.** Every advance request must, to be applicable, be recorded by the competent professional who provides assistance to the patient making the request or, where applicable, by the officiating notary in the register kept by the Minister in accordance with subparagraph 5 of the second paragraph of section 521 of the Act respecting health services and social services (chapter S-4.2).

"III. — *Withdrawal and modification of an advance request*

"**29.11.** A patient who is capable of giving consent to care may, at any time, withdraw their advance request by means of the form prescribed by the Minister. The second and third paragraphs of section 29.2 apply, with the necessary modifications, to the withdrawal form for such a request.

A patient who wishes to withdraw their request must be assisted by a competent professional. After the form has been signed, the competent professional dates and countersigns the form to attest that the patient is capable of giving consent to care. The professional must make sure that the request is removed, as soon as possible, from the register referred to in section 29.10.

A patient may modify an advance request only by making a new advance request by one of the methods specified in section 29.8. The new advance request replaces the previous one as soon as it is recorded in the register in accordance with section 29.10.

"IV. — *Processing of an advance request*

"**29.12.** A health or social services professional who provides care to a patient having obtained a diagnosis for a serious and incurable illness leading to incapacity to give consent to care must, when the professional becomes aware of that incapacity, consult the register referred to in section 29.10.

If the register contains an advance request made by the patient, the professional consults the request and files it in the patient's record, unless the request is already in the record. Furthermore, the professional must ensure that every trusted third person designated in the request has been notified of the onset of the patient's incapacity.

The professional also informs the health or social services professionals who are members of the care team responsible for the patient of the existence of the request.

"**29.13.** A patient having made an advance request must undergo an examination by a competent professional when the trusted third person notifies a health or social services professional that they believe, as applicable,

(1) that the patient is exhibiting the clinical manifestations related to their illness that are described in the request; or

(2) that the patient is experiencing enduring and unbearable physical or psychological suffering.

The health or social services professional must inform a competent professional of the reception of a notice from the trusted third person.

The purpose of the examination carried out by the competent professional is to determine whether the patient is exhibiting, on a recurring basis, the clinical manifestations referred to in subparagraph 1 of the first paragraph and whether the patient's medical state gives cause to believe, based on the information at the professional's disposal and according to their clinical judgment, that the patient is experiencing enduring and unbearable physical or psychological suffering that cannot be relieved under conditions considered tolerable.

"**29.14.** If every trusted third person designated in an advance request is deceased or is prevented from acting or refuses or neglects to do so, the patient having made the request must undergo the examination prescribed in the third paragraph of section 29.13 where a competent professional, as applicable,

(1) finds, at first glance,

(*a*) that the patient is exhibiting some of the clinical manifestations related to their illness that are described in the request; or

(*b*) that the patient's medical state gives cause to believe that the patient is experiencing enduring and unbearable physical or psychological suffering; or

(2) is notified by a person that they believe the patient is exhibiting the clinical manifestations referred to in subparagraph *a* of subparagraph 1 or that the patient is experiencing enduring and unbearable physical or psychological suffering.

A competent professional must, before carrying out the examination, take reasonable measures to notify every trusted third person designated in the request of the situation.

"**29.15.** The first paragraph of section 29.14 applies, with the necessary modifications, to a patient who did not designate a trusted third person in the advance request.

"**29.16.** If every trusted third person designated in an advance request is deceased or prevented from acting or refuses or neglects to do so, or if no trusted third person was designated in such a request, a health or social services professional who is a member of the care team responsible for the patient having made an advance request must notify a competent professional if the health or social services professional believes that the patient is exhibiting the clinical manifestations related to their illness that are described in the request or that the patient is experiencing enduring and unbearable physical or psychological suffering.

"**29.17.** The competent professional must, as part of an examination required by section 29.13, 29.14 or 29.15, have a discussion, where applicable, with the trusted third person and with the members of the care team responsible for the patient.

The professional records in writing the clinical manifestations related to the patient's illness that the professional has observed, the other relevant information in connection with the patient's medical state and the conclusions of the examination.

"**29.18.** After carrying out the examination required by section 29.13, 29.14 or 29.15, the competent professional must inform the patient who made the advance request, the members of the care team responsible for the patient and, where applicable, every trusted third person designated in the request of the professional's conclusions.

The professional must ensure that the process for administering medical aid in dying continues only where the professional concludes that the patient is exhibiting, on a recurring basis, the clinical manifestations related to their illness that they described in the request, and that the patient's medical state gives cause to believe, based on the information at the professional's disposal and according to their clinical judgment, that the patient is experiencing enduring and unbearable physical or psychological suffering that cannot be relieved under conditions considered tolerable.

"**29.19.** Before administering medical aid in dying following an advance request, the competent professional must

(1) be of the opinion that the patient meets all the criteria set out in subparagraph 2 of the first paragraph of section 29.1 and the first paragraph of section 29.2; and

(2) obtain the opinion of a second competent professional confirming that the criteria that must be the subject of an opinion under subparagraph 1 have been met.

The second paragraph of section 29 applies to the professional consulted.

Any refusal to receive medical aid in dying expressed by the patient must be respected and it is prohibited to disregard it in any manner.

If the patient is exhibiting behavioural symptoms resulting from their medical state, such as resistance to care, the competent professional must, based on the information at their disposal and according to their clinical judgment, rule out the possibility that the patient is refusing to receive medical aid in dying. The professional must record in writing the symptoms that the professional has observed and the conclusions of the assessment.

"§4. — *Administration of medical aid in dying*".

21. Section 30 of the Act is replaced by the following:

"**30.** If a competent professional concludes, subsequent to the application of section 29 or section 29.19, that medical aid in dying may be administered to a patient requesting it, the professional must personally administer it to the patient and take care of and stay with the patient until death ensues.

If the professional concludes however, subsequent to the application of one of those sections, that medical aid in dying cannot be administered, the professional must inform the patient requesting it of the reasons for that conclusion and of the other services that can be offered to the patient to relieve their suffering.

In the case of an advance request, the professional must also inform any trusted third person designated in the request and any health or social services professional who is a member of the care team responsible for the patient of the conclusion. Where the professional concludes that medical aid in dying may be administered, the professional must inform them before proceeding to administer such aid.

"**30.1.** An advance request does not lapse because a competent professional has concluded that medical aid in dying cannot be administered, unless that conclusion results from the refusal expressed by the patient to receive such aid.

"**30.2.** Where a competent professional concludes that medical aid in dying cannot be administered to a patient having made an advance request due to the refusal expressed by the patient to receive such aid, the professional must make sure that the request is removed, as soon as possible, from the register referred to in section 29.10.

"§5. — *Management of certain refusals and of information or documents related to a request for medical aid in dying*".

22. Section 31 of the Act is amended

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

"Any competent professional practising in a centre operated by an institution must notify the executive director of the institution, or any other person

designated by the executive director, and, where applicable, send the executive director or the designated person the medical aid in dying request form in the following cases:

(1) the professional refuses a request for a reason not based on section 29 or section 29.19;

(2) the professional refuses to provide assistance to a patient in making an advance request under section 29.3 or in withdrawing such a request under section 29.11; or

(3) the professional refuses to carry out the examination required by section 29.13, 29.14 or 29.15.

The executive director of the institution, or the person designated by the executive director, must then take the necessary steps to find, as soon as possible, a competent professional willing to remedy the situation.";

(2) by replacing "If the physician who receives the request practises in a private health facility and does not provide medical aid in dying, the physician must, as soon as possible, notify the" and "The physician forwards the request form received, if that is the case, to the executive director or designated person and the steps mentioned in the first paragraph must be taken" in the second paragraph by "A competent professional practising in a private health facility must instead forward the notice of refusal to the" and "The professional forwards the medical aid in dying request form received, if that is the case, to the executive director or designated person. The steps mentioned in the second paragraph must then be taken", respectively;

(3) by replacing "in the second paragraph" in the third paragraph by "in the third paragraph".

23. Section 32 of the Act is amended, in the first paragraph,

(1) by replacing "the physician" by "the competent professional";

(2) by replacing "for the physician's decision" by "for the competent professional's decision";

(3) by replacing "of the physician consulted" by "of the competent professional consulted".

24. The heading of Division III of Chapter IV of Title II of the Act is amended by adding "AND OF THE DIRECTOR OF NURSING CARE" after "PHARMACISTS".

25. Section 33 of the Act is amended by replacing "council of nurses" by "director of nursing care".

26. Section 34 of the Act is amended

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

"A competent professional who provides continuous palliative sedation or medical aid in dying as a physician or a specialized nurse practitioner practising in a centre operated by an institution must, within 10 days following its administration, inform the council of physicians, dentists and pharmacists of which the competent professional is a member or, as applicable, the director of nursing care, whether the sedation or aid is administered in the facilities of an institution, in the premises of a palliative care hospice or at the patient's home.";

(2) by replacing "or its competent committee" in the second paragraph by ", its competent committee or the director of nursing care".

27. Section 35 of the Act is replaced by the following section:

"**35.** If no council of physicians, dentists and pharmacists has been established for the institution, the head of medical services or, as applicable, the physician responsible for medical care in the institution assumes the functions assigned to the council by this division.

If no director of nursing care has been appointed by the institution, the nurse in charge of nursing within the institution assumes the functions assigned to the director by this division.

The competent professional must then inform the head of medical services or the physician responsible referred to in the first paragraph or, as applicable, the nurse in charge referred to in the second paragraph in accordance with the first paragraph of section 34."

28. The heading of Division IV of Chapter IV of Title II of the Act is amended by adding "AND OF THE ORDRE DES INFIRMIÈRES ET INFIRMIERS DU QUÉBEC" after "QUÉBEC".

29. Section 36 of the Act is amended

(1) by replacing "Physicians" and "inform the Collège des médecins du Québec and send to it, under the conditions and in the manner prescribed by the Collège, the information it determines" in the first paragraph by "Competent professionals" and "inform the Collège des médecins du Québec or, as applicable, the Ordre des infirmières et infirmiers du Québec and send it the information it determines, under the conditions and in the manner it prescribes", respectively;

(2) by replacing "or its competent committee" in the second paragraph by "or the Ordre, or their respective committee,".

30. Section 37 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "must" by "and the Ordre des infirmières et infirmiers du Québec must respectively";

(*b*) by inserting "and specialized nurse practitioners" after "provided by physicians";

(2) in the second paragraph,

(*a*) by inserting "and specialized nurse practitioners, and whether they were administered" after "by such physicians";

(*b*) by adding the following sentence at the end: "When information concerns the number of times medical aid in dying was administered, it must also be grouped according to the type of request.";

(3) by replacing "The report is to be published on the website of the Collège and" in the third paragraph by "The reports are to be published respectively on the website of the Collège and of the Ordre and".

31. Section 39 of the Act is amended, in the first paragraph,

(1) by replacing "11" in the introductory clause by "13";

(2) by replacing "five" in the introductory clause of subparagraph 1 by "seven";

(3) by replacing "two" in subparagraph *a* of subparagraph 1 by "three";

(4) by replacing "one member appointed" in subparagraph *b* of subparagraph 1 by "two members appointed".

32. Section 41 of the Act is amended by replacing "seven" in the first paragraph by "nine".

33. Section 42 of the Act is amended

(1) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

"(5) conduct required analyses and produce required statistical information in order, in particular, to follow the evolution of end-of-life care, identify end-of-life care needs and determine what may constitute a limit to access to such care.";

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

"The Commission carries out any other end-of-life care-related mandate given to it by the Minister."

34. Section 44 of the Act is amended

(1) by striking out ", as an exception," in the introductory clause;

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

"The Commission may also exercise the powers set out in subparagraphs 1 to 3 of the first paragraph for the purpose of carrying out a mandate given to it by the Minister under the second paragraph of section 42."

35. Section 45 of the Act is amended

(1) by replacing "physicians" by "competent professionals";

(2) by inserting "or to carry out a mandate given to it by the Minister under the second paragraph of that section" after "section 42".

36. Section 46 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "A physician" by "A competent professional";

(*b*) by inserting "or for the carrying out of a research project where the researcher may have access to it in accordance with Division II of Chapter IV of that Act" at the end;

(2) by replacing "notes that a physician has contravened this section must bring the breach to the attention of the Collège des médecins du Québec" in the second paragraph by "finds that a competent professional has contravened this section must report the failure to the Collège des médecins du Québec or, as applicable, the Ordre des infirmières et infirmiers du Québec".

37. Section 47 of the Act is amended

(1) by replacing "from the physician, the Commission assesses compliance with section 29" in the first paragraph by "from the competent professional, the Commission assesses compliance with section 29 or section 29.19";

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

"On completion of the assessment, if two-thirds or more of the members present are of the opinion that section 29 or section 29.19 was not complied with, the Commission sends a summary of its conclusions to the Collège des

médecins du Québec or, as applicable, the Ordre des infirmières et infirmiers du Québec so that it can take appropriate measures. If a competent professional provided the medical aid in dying as a physician or a specialized nurse practitioner practising in a centre operated by an institution, the Commission sends the summary to the institution for the same purposes."

38. The Act is amended by inserting the following sections after section 47:

"**47.1.** A competent professional having received a request for medical aid in dying who does not administer such aid to the patient having made the request must notify the Commission within 30 days after any of the following events occurs:

(1) the professional finds that the patient does not meet the criteria set out in section 29 or section 29.19;

(2) the professional finds or is informed that the patient has withdrawn their request;

(3) the professional finds or is informed that the patient has refused to receive medical aid in dying;

(4) the professional has forwarded a notice of refusal under section 31; or

(5) the professional finds or is informed that the patient has died before the administration of medical aid in dying.

When notifying the Commission, the competent professional must also send it, in the manner determined by government regulation, the information prescribed by that regulation and, where applicable, the information concerning any other service they provided to the patient to relieve their suffering. Such information is confidential and, despite the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), may not be disclosed to any other person, except to the extent that the information is necessary for the purposes of this section or for the carrying out of a research project where the researcher may have access to it in accordance with Division II of Chapter IV of that Act.

"**47.2.** A pharmacist who provides a medication or a substance to a competent professional for the purpose of the administration of medical aid in dying must notify the Commission within 30 days and send it, in the manner determined by government regulation, the information prescribed by that regulation. This information is confidential and, despite the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), may not be disclosed to any other person, except to the extent that the information is necessary for the purposes of this section or for the carrying out of a research project where the researcher may have access to it in accordance with Division II of Chapter IV of that Act.

"**47.3.** In exercising its functions under the first paragraph of section 42, the Commission may use any information sent to it under sections 46, 47.1 and 47.2, provided it is not possible to link that information to any specific patient who made a request for medical aid in dying, to a patient to whom such aid was administered or to a health or social services professional, including a pharmacist referred to in section 47.2.

The Commission may also, on the same conditions, use such information for the purpose of carrying out a mandate given to it by the Minister under the second paragraph of section 42."

39. Section 48 of the Act is amended by inserting "or to the syndic of the Ordre des infirmières et infirmiers du Québec" at the end.

40. Section 50 of the Act is amended

(1) by replacing "A physician" in the first paragraph by "A competent professional";

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

"Such professionals must nevertheless ensure that continuity of care is provided to the patient, in accordance with their code of ethics and the patient's wishes.";

(3) by replacing "the physician" in the third paragraph by "the competent professional".

41. The Act is amended by inserting the following sections after section 50:

"**50.1.** The Minister may, by regulation, determine the form and content of any notices required under this Act as well as the conditions relating to their sending.

"**50.2.** No one may promote or advertise a good or service supplied in the course of a commercial activity by associating it directly or indirectly with medical aid in dying or charge any amount related directly or indirectly to obtaining such aid.

The first paragraph does not have the effect of limiting the supply of health services or social services to a person having made a request for medical aid in dying.

Anyone who contravenes the first paragraph is liable to a fine of $5,000 to $50,000 in the case of a natural person or to a fine of $15,000 to $150,000 in any other case. The amounts of the fines are doubled for a subsequent offence."

42. The Act is amended by striking out the following before section 51:

"**CHAPTER I**

"GENERAL PROVISIONS".

43. Section 52 of the Act, amended by section 259 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), is again amended by replacing the second paragraph by the following paragraph:

"At the request of their author, advance medical directives are to be recorded in the register kept by the Minister in accordance with subparagraph 5 of the second paragraph of section 521 of the Act respecting health services and social services (chapter S-4.2)."

44. Section 57 of the Act is amended by replacing "advance medical directives register" by "register referred to in the second paragraph of section 52".

45. Section 58 of the Act is amended by replacing "clearly expressed instructions relating to care that are recorded in the advance medical directives register" by "wishes relating to care that are clearly expressed in advance medical directives recorded in the register referred to in the second paragraph of section 52".

46. Section 72 of the Act is repealed.

CIVIL CODE OF QUÉBEC

47. Article 122 of the Civil Code of Québec is amended by inserting "or nurse" after "physician" in the first and second paragraphs.

48. Article 123 of the Code is amended

(1) by inserting "or by a nurse" after "death attested by a physician";

(2) by replacing "the physician" by "the physician and nurse".

CORONERS ACT

49. Section 34 of the Coroners Act (chapter C-68.01) is replaced by the following section:

"**34.** A physician and a specialized nurse practitioner who certify a death for which they are unable to establish the probable causes or which appears to them to have occurred as a result of negligence or in obscure or violent circumstances shall immediately notify a coroner or a peace officer.

They shall do likewise where they are unable to establish the probable causes of a death certified by a nurse other than a specialized nurse practitioner or where such a death appears to them to have occurred as a result of negligence or in obscure or violent circumstances."

50. Section 35 of the Act is amended

(1) by replacing "of the institution or a person under his authority may take measures to have the probable causes of death established by a physician" in the first paragraph by "or the director of nursing care of the institution or a person under their respective authority may take measures to have the probable causes of death established by a physician or a specialized nurse practitioner, as the case may be";

(2) by replacing "or a person under his authority" in the second paragraph by "or the director of nursing care or a person under their respective authority".

51. Section 36 of the Act is amended by inserting ", a specialized nurse practitioner" after "a physician".

NURSES ACT

52. Section 36 of the Nurses Act (chapter I-8) is amended by replacing ", providing nursing and medical care and treatment in order to maintain and restore the health of a person in interaction with his environment and prevent illness, and providing palliative care" in the first paragraph by "and providing nursing and medical care and treatment in order to maintain and restore the health of a person in interaction with his environment, prevent illness and provide appropriate symptom relief".

53. Section 36.1 of the Act is amended by adding the following paragraph at the end:

"(9) administering the medication or substance allowing a person to obtain medical aid in dying under the Act respecting end-of-life care (chapter S-32.0001)."

MEDICAL ACT

54. Section 31 of the Medical Act (chapter M-9) is amended by replacing "an end-of-life patient" in subparagraph 12 of the second paragraph by "a person".

PUBLIC HEALTH ACT

55. Section 46 of the Public Health Act (chapter S-2.2) is amended

(1) by replacing "to be drawn up by a physician" in the first paragraph by "to be filled out by a physician or a nurse";

(2) by replacing "who treated the person shall fill out the certificate of death. If the physician is not accessible, the certificate of death may be drawn up by another physician, a nurse" in the second paragraph by "or the last nurse who treated the person shall fill out the certificate of death. If the physician or nurse is not accessible, the certificate of death may be filled out by another physician, another nurse".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

56. Section 521 of the Act respecting health services and social services (chapter S-4.2), enacted by section 253 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), is amended by inserting "and advance requests for medical aid in dying" after "register of the advance medical directives" in subparagraph 5 of the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

57. As of the date of coming into force of section 20 of this Act and until the date of coming into force of section 260 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5),

(1) section 29.10 of the Act respecting end-of-life care (chapter S-32.0001), enacted by section 20, is to be read as follows:

"**29.10.** Every advance request must, to be applicable, be recorded by the competent professional who provides assistance to the patient making the request or, where applicable, by the officiating notary in the register established in accordance with section 63.";

(2) section 52 of the Act respecting end-of-life care is to be read as if "advance medical directives register" in the second paragraph were replaced by "register";

(3) Chapter II of Title III of the Act respecting end-of-life care is to be read as if the headings before section 63 were replaced by the following headings:

"**TITLE III.1**

"REGISTER OF ADVANCE MEDICAL DIRECTIVES AND ADVANCE REQUESTS FOR MEDICAL AID IN DYING";

(4) section 63 of the Act respecting end-of-life care is to be read as if "an advance medical directives register" in the first paragraph were replaced by "a register of advance medical directives and advance requests for medical aid in dying"; and

(5) section 64 of the Act respecting end-of-life care is to be read as if "or advance requests for medical aid in dying" were inserted after "advance medical directives".

58. The Act respecting end-of-life care is to be read,

(1) until 6 December 2023, as if

(*a*) "or a specialized nurse practitioner" in section 3.1, enacted by section 4, were struck out;

(*b*) "or the director of nursing care" in the second paragraph of section 4, amended by section 5, were struck out;

(*c*) "or a specialized nurse practitioner" in the third paragraph of section 8, amended by section 8, were struck out;

(*d*) "or, as applicable, the Ordre des infirmières et infirmiers du Québec" in the second paragraph of section 46, amended by section 36, were struck out; and

(*e*) "or, as applicable, the Ordre des infirmières et infirmiers du Québec so that it can take appropriate measures. If a competent professional provided the medical aid in dying as a physician or a specialized nurse practitioner practising in a centre operated by an institution, the Commission sends the summary to the institution for the same purposes" in the second paragraph of section 47, amended by section 37, were replaced by "so that it can take appropriate measures. If a competent professional provided the medical aid in dying as a physician practising in a centre operated by an institution, the Commission sends the summary to the institution for the same purposes";

(2) until 6 March 2024, in section 26, amended by section 16, as if

(*a*) subparagraph 3 of the first paragraph were replaced by the following paragraph:

"(3) suffer from a serious and incurable illness and be in an advanced state of irreversible decline in capability;"; and

(*b*) "of subparagraph *a*" in the third paragraph were struck out;

(3) until the date preceding the date of coming into force of section 15, as if

(*a*) "according to the type of request for medical aid in dying and" in the fourth paragraph of section 8, amended by section 8, were struck out;

(*b*) "following a contemporaneous request" in the introductory clause of the first paragraph of section 26, amended by section 16, were struck out;

(*c*) "following a contemporaneous request" in the introductory clause of the first paragraph of section 29, amended by section 19, were struck out;

(*d*) in section 30, replaced by section 21,

i. "or section 29.19" in the first paragraph were struck out; and

ii. "application of one of those sections" in the second paragraph were replaced by "application of that section";

(*e*) "or section 29.19" in subparagraph 1 of the first paragraph of section 31, amended by section 22, were struck out;

(*f*) in section 47, amended by section 37,

i. "or section 29.19" in the first paragraph were struck out; and

ii. "or section 29.19" in the second paragraph were struck out; and

(*g*) "or section 29.19" in subparagraph 1 of the first paragraph of section 47.1, enacted by section 38, were struck out;

(4) until the date preceding the date of coming into force of section 44 of the Act respecting health and social services information and amending various legislative provisions, as if

(*a*) "or for the carrying out of a research project where a researcher may have access to it in accordance with Division II of Chapter IV of that Act" in the second paragraph of section 47.1, enacted by section 38, were struck out; and

(*b*) "or for the carrying out of a research project where a researcher may have access to it in accordance with Division II of Chapter IV of that Act" in section 47.2, enacted by section 38, were struck out; and

(5) until the date preceding the date of coming into force of section 258 of the Act respecting health and social services information and amending various legislative provisions, as if

(*a*) ", despite the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5)," in the second paragraph of section 47.1, enacted by section 38, were struck out; and

(*b*) ", despite the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5)," in section 47.2, enacted by section 38, were struck out.

59. The provisions of this Act come into force on 7 June 2023, except

(1) sections 10 and 24 to 29, section 30 except as concerns subparagraph *b* of paragraph 2, and sections 39, 46 and 53, which come into force on 7 December 2023;

(2) sections 15, 17, 18 and 20, section 21 insofar as it enacts the third paragraph of section 30, sections 30.1 and 30.2 and the heading of subdivision 5 of Division II of Chapter IV of Title II of the Act respecting end-of-life care, section 22 insofar as it enacts subparagraphs 2 and 3 of the first paragraph of section 31 of that Act, subparagraph *b* of paragraph 2 of section 30, and section 56, which come into force on the date to be set by the Government, which cannot be later than 7 June 2025;

(3) subparagraphs *b* and *d* of paragraph 1 of section 19, which come into force on 7 March 2024;

(4) subparagraph *b* of paragraph 1 of section 36, which comes into force on the date of coming into force of section 44 of the Act respecting health and social services information and amending various legislative provisions; and

(5) sections 42 and 43, which come into force on the date of coming into force of section 260 of the Act respecting health and social services information and amending various legislative provisions.

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 25
(2023, chapter 16)

An Act to fight illegal tourist accommodation

Introduced 9 May 2023
Passed in principle 30 May 2023
Passed 7 June 2023
Assented to 7 June 2023

Québec Official Publisher
2023

EXPLANATORY NOTES

This Act provides that the registration of a tourist accommodation establishment takes the form of a certificate containing various information determined by regulation. It also prohibits the dissemination through a digital platform of an accommodation offering that does not contain the registration number or the expiry date of the registration certificate for the tourist accommodation establishment concerned.

The entering into, through a digital platform, of a short-term rental contract for a stay in a tourist accommodation establishment that is not registered in accordance with the law is also prohibited.

Various obligations are imposed on operators of a digital platform, including an obligation to obtain and keep the registration certificates of tourist accommodation establishments that disseminate their accommodation offerings through the platform, to validate the registration numbers of those establishments and to designate a person established in Québec as a representative.

The Act also provides for the creation of a public register of tourist accommodation establishments that is to be maintained by the Minister of Tourism or by a body recognized by the Minister.

Lastly, the Act includes penal offences to sanction any contravention of the obligations it introduces.

LEGISLATION AMENDED BY THIS ACT:

– Tourist Accommodation Act (chapter H-1.01);

– Act respecting the Ministère du Tourisme (chapter M-31.2).

REGULATION AMENDED BY THIS ACT:

– Tourist Accommodation Regulation (chapter H-1.01, r. 1).

Bill 25

AN ACT TO FIGHT ILLEGAL TOURIST ACCOMMODATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TOURIST ACCOMMODATION ACT

1. The Tourist Accommodation Act (chapter H-1.01) is amended by inserting the following section after section 6:

"**6.1.** The registration of a tourist accommodation establishment and its renewal take the form of a certificate, issued by the Minister, whose content is determined by government regulation."

2. The Act is amended by inserting the following sections after section 20:

"**20.1.** No person operating a digital accommodation platform within the meaning of section 541.23 of the Act respecting the Québec sales tax (chapter T-0.1) may

(1) disseminate a tourist accommodation establishment's accommodation offering that does not contain the establishment's registration number or the expiry date of the certificate referred to in section 6.1 issued in respect of that establishment; or

(2) enable the entering into of a rental contract for accommodation purposes for a stay of less than 32 days in a tourist accommodation establishment that is not registered in accordance with this Act or whose registration is expired, suspended or cancelled.

"**20.2.** A person referred to in section 20.1 must

(1) ensure that the registration number of the tourist accommodation establishment and the expiry date of the registration certificate that are contained in the accommodation offering disseminated through the digital platform concern the establishment to which the accommodation offering relates and that the registration is in force; and

(2) send to the Minister, subject to the terms and conditions determined by government regulation, the information and documents determined by the regulation regarding, among other things, the tourist accommodation establishments' accommodation offerings disseminated through the digital platform.

The verification of information required by subparagraph 1 of the first paragraph is made using the registration certificate or, if applicable, on the terms and conditions determined by government regulation.

"**20.3.** The Minister may, by order published in the *Gazette officielle du Québec* and within the time and in the manner established by the Minister therein, subject the persons operating a type of digital platform not referred to in section 20.1 that the Minister determines to the provisions of sections 20.1 and 20.2 indicated by the Minister."

3. Section 21 of the Act is amended

(1) by replacing "platform" by "website";

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

"The Government may also determine by regulation any other condition the operator of a digital platform that is referred to in section 20.1 or determined by an order made under section 20.3 is required to comply with."

4. The Act is amended by inserting the following division after section 21:

"**DIVISION IV.1**

"REGISTER OF TOURIST ACCOMMODATION ESTABLISHMENTS

"**21.1.** The Minister maintains a public register of tourist accommodation establishments that contains, for each establishment, the class, the registration number, the issue and expiry dates of the registration certificate, the registration status (in force, expired, suspended or cancelled) and any other information determined by government regulation.

"**21.2.** The register may be maintained by a body referred to in section 6 under an agreement that sets out the conditions the body must comply with and the responsibilities the body must assume."

5. Section 28 of the Act is amended

(1) by striking out "commits an offence and" in the portion after paragraph 4;

(2) by inserting the following paragraph after paragraph 3:

"(3.1) enters, under this Act and the regulations, in a tourist accommodation establishment's accommodation offering and in any advertising promoting it, a registration number for that establishment that is false or inaccurate or such a registration number although the establishment's registration is expired, suspended or cancelled, or".

6. The Act is amended by inserting the following section after section 29:

"**29.1.** Any person operating a digital platform who contravenes any of the provisions of section 20.1 and subparagraph 1 of the first paragraph of section 20.2 is liable to a fine of $5,000 to $50,000 in the case of a natural person and $10,000 to $100,000 in all other cases."

7. Section 56 of the Act is amended by inserting "then not later than every three years," after "of this Act," in the first paragraph.

8. The Act is amended by striking out all occurrences of "commits an offence and".

ACT RESPECTING THE MINISTÈRE DU TOURISME

9. Section 21.1 of the Act respecting the Ministère du Tourisme (chapter M-31.2), enacted by section 32 of the Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions (2023, chapter 10), is amended by replacing "recognized by the Minister for the registration of tourist accommodation establishments, and the renewal of that registration, carried out by those bodies under an agreement entered into under section 6 of the Tourist Accommodation Act (chapter H-1.01)" by "referred to in section 6 of the Tourist Accommodation Act (chapter H-1.01) as consideration for the exercise of any function that may be entrusted to them under that Act or a regulation made under it".

TOURIST ACCOMMODATION REGULATION

10. The Tourist Accommodation Regulation (chapter H-1.01, r. 1) is amended by inserting the following division after section 7:

"**DIVISION IV.1**

"REGISTRATION CERTIFICATE

"**7.1.** The registration certificate referred to in section 6.1 of the Tourist Accommodation Act (chapter H-1.01) bears the signature of the Minister and contains the registration number, address and class of the establishment, the number of accommodation units offered for rent, the issue and expiry dates of the certificate and, if applicable, the name of the establishment."

11. Section 9 of the Regulation is amended by replacing the second paragraph by the following paragraph:

"The operator must also

(1) display the registration certificate of the tourist accommodation establishment in full view of the public at the main entrance to the establishment unless the establishment is situated in an immovable that includes two or more

residential units, in which case the registration certificate must be displayed at the main entrance to the immovable; and

(2) send the registration certificate to the person subject to subparagraph 1 of the first paragraph of section 20.2 of the Tourist Accommodation Act who operates a digital platform through which the operator disseminates the establishment's accommodation offering."

12. The Regulation is amended by inserting the following section after section 9:

"**9.1.** The person operating a digital platform must, for the purposes of the Tourist Accommodation Act (chapter H-1.01) and of this Regulation, send to the Minister and keep up to date the contact information for a representative established in Québec, including the representative's name, official title, address, email address and telephone number.

The person operating a digital platform must also obtain from any operator of a tourist accommodation establishment who disseminates an accommodation offering through the digital platform the registration certificate of the establishment and keep it for one year after its expiry date."

13. Section 15 of the Regulation is amended by replacing "8 and 9" by "8, 9 and 9.1".

FINAL PROVISION

14. This Act comes into force on 7 June 2023, except

(1) the provisions of section 2 insofar as they concern the expiry date of the registration certificate provided for in paragraph 1 of section 20.1 of the Tourist Accommodation Act (chapter H-1.01) as well as subparagraph 1 of the first paragraph and the second paragraph of section 20.2 of that Act, those of section 6 insofar as they concern the expiry date of the registration certificate and subparagraph 1 of the first paragraph of section 20.2 of that Act, those of section 11 and those of section 12 insofar as they concern the second paragraph of section 9.1 of the Tourist Accommodation Regulation (chapter H-1.01, r. 1), which come into force on 1 September 2023 or on any earlier date or dates to be set by the Government;

(2) the provisions of section 2 insofar as they concern subparagraph 2 of the first paragraph of section 20.2 of the Tourist Accommodation Act, which come into force on the date of coming into force of the first regulation made under that subparagraph; and

(3) the provisions of section 4, which come into force on the date to be set by the Government.

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 200
(Private)

An Act respecting the cancellation of a servitude encumbering certain lots situated in Ville de Carignan

Introduced 26 April 2023
Passed in principle 6 June 2023
Passed 6 June 2023
Assented to 7 June 2023

Québec Official Publisher
2023

Bill 200

(Private)

AN ACT RESPECTING THE CANCELLATION OF A SERVITUDE ENCUMBERING CERTAIN LOTS SITUATED IN VILLE DE CARIGNAN

AS the construction of two public interest projects, that is, an elementary school and a seniors home, is planned on lots 2 599 675, 2 599 706, 6 444 188, 6 444 189, 6 444 190, 6 444 191, 6 495 127, 6 495 131, 6 495 134 and 6 507 648 of the cadastre of Québec, registration division of Chambly, hereinafter collectively designated as "the lots";

AS, before the cadastral renewal, the lots were designated as subdivisions or parts of subdivisions of lot 128 of the cadastre of Paroisse de Saint-Joseph-de-Chambly;

AS, before its subdivision, lot 128 of the cadastre of Paroisse de Saint-Joseph-de-Chambly was wholly owned by The Montreal River Land Company Ltd., which had acquired the lot under the terms of an act published at the Land Registry Office of the registration division of Chambly on 22 May 1912, under number 38 958;

AS, in the subdivision plan of lot 128 of the cadastre of Paroisse de Saint-Joseph-de-Chambly, signed on 23 May 1912 and deposited in the land register on 13 July 1912 by The Montreal River Land Company Ltd., in accordance with article 2175 of the Civil Code of Lower Canada, the lots are indicated as "street";

AS, under the terms of an act published at the Land Registry Office of the registration division of Chambly on 26 January 1959, under number 181 647, it is mentioned that lots appearing as "street" in the official cadastre are sold subject to a right of way of all jointly interested persons;

AS the deposit of the subdivision plan would have established, by destination of the owner, against the parcels identified in the plan as "street", a servitude of right of way in favour of the lots shown on the same plan or, at least, in favour of the lots which, because of their location, would be likely to enjoy such a servitude;

AS the beneficiaries of the servitude cannot be identified and, consequently, it is impossible to obtain their unanimous renunciation of the servitude;

AS the beneficiaries have other suitable ways to access the public road and, consequently, will not suffer damage;

AS a good and valid title, free of any encumbrance, is required for the predictability of the above-mentioned public interest projects;

AS it is expedient and in the public interest to cancel the real right of way, established by destination of the owner, encumbering the lots;

AS it is expedient and in the public interest that this Act be published at the Land Registry Office of the registration division of Chambly;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The real right of way, established by destination of the owner by the deposit of the subdivision plan in the cadastre of Paroisse de Saint-Joseph-de-Chambly on 13 July 1912 and referred to in the terms of the deed of sale registered under number 181 647, is cancelled.

2. This Act must be published at the Land Registry Office of the registration division of Chambly and the appropriate entries registered against lots 2 599 675, 2 599 706, 6 444 188, 6 444 189, 6 444 190, 6 444 191, 6 495 127, 6 495 131, 6 495 134 and 6 507 648 of the cadastre of Québec. The application for registration will be made by filing a copy of this Act certified by the public registrar who is its depositary; if required for the publication of this Act, such a copy will be accompanied by a summary or a cadastral notice.

3. No damages or compensation may be claimed in relation to this Act.

4. This Act comes into force on 7 June 2023.

Regulations and other Acts

Gouvernement du Québec

O.C. 1144-2023, 5 July 2023

CONCERNING the funding of the École nationale de police du Québec for the 2023-2024 fiscal year

WHEREAS pursuant to the first and second paragraphs of section 43 of the Police Act (c. P-13.1) every municipality to which a police force is attached shall pay to the École nationale de police du Québec an annual contribution based on a percentage of the total payroll of the police personnel of the police force, the government pays the ENPQ a contribution based on the total payroll of Sûreté du Québec police personnel and the percentage applicable, which cannot exceed 1%, and the disbursement procedures are established by the government on the recommendation of the ENPQ;

WHEREAS the École nationale de police du Québec has made its recommendations;

WHEREAS it is appropriate to establish the percentage of the total payroll of the police personnel of the police forces on which is based the annual contribution of the municipalities to which a police force is attached and the government for the police personnel of the Sûreté du Québec to the École nationale de police du Québec for the period 1 April 2023, to 31 March 2024, and the disbursement procedures;

WHEREAS pursuant to paragraph *a* of section 3 of the Regulation respecting the promise and awarding of grants (c. A-6.01, r. 6) any award or any promise of grant must be submitted for the prior approval of the Government, on the proposal of the Conseil du trésor, where the amount of such award or promise is equal to or greater than $1,000,000;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the annual contribution to the École nationale de police du Québec of the municipalities to which a police force is attached and the government for the police personnel of the Sûreté du Québec for the period 1 April 2023, to 31 March 2024, be based on a percentage of 1% applied to the 2021 total payroll of police personnel, as defined in the schedule to the Act to promote workforce skills development and recognition (c. D-8.3);

THAT the Minister of Public Security be authorized to pay the ENPQ the annual contribution of the government for the period from 1 April 2023 to 31 March 2024;

THAT the following disbursement procedures respecting the annual contribution for the period 1 April 2023, to 31 March 2024, apply:

— the École nationale de police du Québec must send to each police force an invoice describing the calculation methods and disbursement procedures;

— the Minister of Public Security must pay the ENPQ the government's annual contribution within 30 days of receipt of the ENPQ's invoice;

— the local municipalities, intermunicipal management boards, and regional county municipalities to which a police force is attached must pay the ENPQ 50% of their annual contribution within 30 days of receipt of the ENPQ's invoice and pay the remaining 50% not later than 1 February 2024;

— when a police force is abolished, the ENPQ must grant a credit to the abolished police force on a pro rata basis for the period covered and submit an invoice for the same amount to the replacement police force;

— when a police force is newly established, an annual contribution is payable to the ENPQ according to the total payroll anticipated for the first year of operation. This contribution is calculated on a pro rata basis for the period covered and will be adjusted when the actual total payroll is known;

— the ENPQ can demand interest on payments received after the aforementioned deadlines or after the 45th day following the date of the ENPQ's invoice, whichever is later. The annual interest rate applicable is the interest rate in force pursuant to section 28 of the Tax Administration Act (c. A-6.002).

YVES OUELLET
Clerk of the Conseil exécutif

106390

Notice

Act respecting collective agreement decrees
(chapter D-2)

Automotive services industry – Montréal — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour has received an application from the contracting parties to amend the Decree respecting the automotive services industry in the Montréal region (chapter D-2, r. 10) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting the automotive services industry in the Montréal region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree increases the minimum hourly wage rates provided for in the Decree, strikes out the trade of tune-up specialist and that of brake mechanic, which is already included in the trade of mechanic, merges the trades of gas welder and arc welding, and amends the trade of semiskilled worker by removing the possibility of performing the calibration of a windshield or window. The draft Decree also increases the hourly rate for the night premium and grants it to all employees who perform tasks that are subject to the Decree. Lastly, the draft Decree also withdraws the leave for a reservist of the Canadian Forces and adds a provision relating to personnel placement agencies, in concordance with the Act respecting labour standards (chapter N-1.1).

The regulatory impact analysis shows that the amendments will have a moderate financial impact on enterprises that are subject to the Decree.

Further information on the draft Decree may be obtained by contacting Vincent Huot, policy development advisor, Direction des politiques du travail, Ministère du Travail, 425, rue Jacques-Parizeau, 5e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 81068, or 1 888 628-8934, extension 81068 (toll free); email: vincent.huot@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to Jean Boulet, Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1; email: ministre@travail.gouv.qc.ca.

Jean Boulet
Minister of Labour

Decree to amend the Decree respecting the automotive services industry in the Montréal region

Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting the automotive services industry in the Montréal region (chapter D-2, r. 10) is amended in section 1.01

(1) in paragraph 5

(*a*) by replacing "to maintenance, tests, inspections, repairs, alterations or" by "to one or another of the following tasks: maintenance, tests, inspections, repairs, alterations or";

(*b*) by striking out "tune-up specialist," and by replacing "gas welder, arc welding" by "welder";

(2) by adding the following sentence at the end of paragraph 8: "The same applies for the hours performed during training deemed equivalent by the parity committee;".

(3) by striking out "heavy" in paragraph 9;

(4) by striking out paragraph 11;

(5) in paragraph 13

(*a*) by replacing ", hubcaps, windshield or windows" in subparagraph *b* by "or hubcaps";

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

"(*c*) installing windshields or windows, without performing the calibration;";

(6) by replacing "all-terrain vehicle as defined in section 1 of the Regulation respecting all-terrain vehicles (chapter V-1.2, r. 6), a snowmobile as defined in section 1 of the Regulation respecting snowmobiles (chapter V-1.2, r. 1)" in paragraph 19 by "off-highway vehicle as defined in paragraph 7 of section 2 of the Act respecting all-terrain vehicles (chapter V-1.3)".

2. Section 3.01 is amended in paragraph 1

(1) by replacing "," after apprentice by "and";

(2) by striking out ", brake mechanic, automatic transmission mechanic, trim man and the alignment and suspension specialist".

3. Section 4.03 is amended

(1) by striking out ", except for employees specified in subsection 4 of section 3.01";

(2) by replacing "0.65" by "0.75".

4. Section 7.09 is amended by adding "or according to the terms and conditions that apply for the regular payment of the employee's wages" at the end of the first paragraph.

5. Section 8.15 is amended by striking out paragraph 5.

6. Section 9.01 is replaced by the following:

"**9.01.** The minimum hourly wage rates are as follows:

Trades	As of *(insert the date of coming into force of this Decree)*	As of 17 April 2024	As of 17 April 2025
Apprentice:			
1st year*	$20.11	$20.71	$21.28
2nd year	$21.03	$21.66	$22.26
3rd year	$23.43	$24.13	$24.80
Journeyman:			
First class	$30.01	$30.91	$31.76
Second class	$27.63	$28.46	$29.24
Third class	$26.15	$26.93	$27.68
Parts clerk:			
Level A	$25.35	$26.11	$26.83
Level B	$24.20	$24.93	$25.61
Level C	$23.76	$24.47	$25.15
Level D	$21.76	$22.41	$23.03
Messenger:			
Level A	$17.81	$18.34	$18.85
Level B	$16.37	$16.86	$17.32
Dismantler:			
1st grade	$17.91	$18.45	$18.95
2nd grade	$18.83	$19.39	$19.93
3rd grade	$19.88	$20.48	$21.04
Washer:	$17.81	$18.34	$18.85
Semiskilled worker:			
1st grade	$18.43	$18.98	$19.50
2nd grade	$20.96	$21.59	$22.18
3rd grade	$22.17	$22.84	$23.46
Service attendant:			
1st grade	$17.61	$18.14	$18.64
2nd grade	$19.14	$19.71	$20.26
3rd grade	$21.18	$21.82	$22.42
Alignment and suspension specialist, trim man and automatic transmission mechanic:			
First class	$30.01	$30.91	$31.76
Second class	$27.63	$28.46	$29.24
Third class	$26.15	$26.93	$27.68

* The year is the period during which an apprentice acquires 2,000 hours of experience in one of the trades provided for in the Decree. Only the annual leave, the special leaves and the paid statutory general holidays are taken into account in the computation of hours of experience.".

7. The following is inserted after section 9.13:

"**9.14.** No personnel placement agency may remunerate an employee at a lower rate of wage than that granted to the employees of the client enterprise performing the same tasks in the same establishment solely because of the employee's employment status, and in particular because the employee is remunerated by such an agency or usually works less hours each week.".

8. Section 13.01 is replaced by the following:

"**13.01.** Where an employee wears a uniform or special clothing identified or not with the employer's establishment, the employer must supply it free of charge. The employer cannot deduct from the employee's wage or require an amount of money from the employee for the purchase, rental, use or maintenance of that uniform or special clothing.

At the end of his employment, the employee must return the uniform or special clothing to the employer, failing which the employer may deduct from the amounts owed to the employee the value of the uniform or special clothing, for which the supporting document must be supplied by the employer.".

9. Section 14.01 is amended by replacing "2023" by "2026".

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

106383

M.O., 2023

Order 0020-2023 of the Minister of Public Security dated 3 July 2023

Highway Safety Code
(chapter C-24.2)

Replacement of Arrêté 0020-2023 of the Minister of Public Security dated 25 May 2023

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING section 202.3 of the Highway Safety Code (chapter C-24.2), which provides that a peace officer who reasonably suspects the presence of alcohol in the body of a person subject to the prohibition set out in section 202.2, 202.2.1.1 or 202.2.1.2 of the Code may order that person to provide forthwith such sample of breath as in the opinion of the peace officer is necessary to enable a proper analysis of the breath to be made by means of a screening device approved by the Minister of Public Security and that is designed to ascertain the presence of alcohol in the blood of a person;

CONSIDERING the Order respecting the approval of breath screening devices pursuant to section 202.3 of the Highway Safety Code (chapter C-24.2, r. 3.01);

CONSIDERING Arrêté 0020-2023 of the Minister of Public Security dated 25 May 2023 respecting the amendment to the Order respecting the approval of breath screening devices pursuant to section 202.3 of the Highway Safety Code published in Part 2 of the *Gazette officielle du Québec* of 7 June 2023;

CONSIDERING that under the first paragraph of section 3 of the Act respecting judgments rendered by the Supreme Court of Canada on the language of statutes and other instruments of a legislative nature (chapter J-1.1), in the case of a regulation or other instrument of a legislative nature which was required to be published in French and in English and was not, the authority empowered to adopt the instrument may replace the instrument with a text which reproduces it, without amendment, this time in French and in English;

CONSIDERING that under the first paragraph of section 3 of the Act, once the text is published in the *Gazette officielle du Québec*, each provision of the text may have effect on the same date as that provided for the corresponding provision of the replaced instrument;

CONSIDERING that it is expedient to replace Arrêté 0020-2023 of the Minister of Public Security dated 25 May 2023 by a text which reproduces it;

ORDERS AS FOLLOWS:

THAT Arrêté 0020-2023 of the Minister of Public Security dated 25 May 2023 be replaced by the text attached to this Order to have effect from 22 June 2023.

Québec, July 3, 2023

FRANÇOIS BONNARDEL
Minister of Public Security

M.O., 2023

Order 0020-2023 of the Minister of Public Security dated 25 May 2023

Highway Safety Code
(chapter C-24.2)

Amendment to the Order respecting the approval of breath screening devices pursuant to section 202.3 of the Highway Safety Code

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING section 202.3 of the Highway Safety Code (chapter C-24.2), which provides that a peace officer who reasonably suspects the presence of alcohol in the body of a person subject to the prohibition set out in section 202.2, 202.2.1.1 or 202.2.1.2 of the Code may order that person to provide forthwith such sample of breath as in the opinion of the peace officer is necessary to enable a proper analysis of the breath to be made by means of a screening device approved by the Minister of Public Security and that is designed to ascertain the presence of alcohol in the blood of a person;

CONSIDERING the Order respecting the approval of breath screening devices pursuant to section 202.3 of the Highway Safety Code (chapter C-24.2, r. 3.01);

CONSIDERING that it is expedient to approve a new breath screening device;

ORDERS AS FOLLOWS:

1. Section 1 of the Order respecting the approval of breath screening devices pursuant to section 202.3 of the Highway Safety Code (chapter C-24.2, r. 3.01) is amended by adding the following at the end:

"— Dräger Alcotest 7000, manufactured by Draeger Safety AG & CO. KGaA.".

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

106382

Draft Regulations

Draft Regulation

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5)

Certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The draft Regulation specifies that the Société québécoise de récupération et de recyclage must, not later than the date set in the Regulation, pay to the management body designated pursuant to the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers an amount equal to the amount that, on 31 March 2023, appeared as a provision for certain amounts payable in its financial statements for the 2022-2023 fiscal year.

The Société québécoise de récupération et de recyclage will have an obligation to send information to certain persons concerning the method used to calculate the amount it must pay to the designated management body and the details of the calculation.

The draft Regulation also specifies that on the expiry of the time limit set out in the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) for the last payment of the compensation owed, on the date of revocation of that Regulation, to the municipalities and Aboriginal communities to which the Regulation applies, a body certified pursuant to the Environment Quality Act (chapter Q-2) that still holds amounts collected under that Regulation must remit them to the management body designated pursuant to the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01).

Last, the Société de récupération et de recyclage will have an obligation to repay the compensation it has received in trust, in particular when a municipality fails to send a declaration in accordance with the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10).

Study of the regulatory impact shows no impact on enterprises and in particular on small and medium-sized enterprises.

In accordance with section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the period provided for in section 11 of that Act, because the Government is of the opinion that the urgency of the situation requires it as warranted by the following circumstances:

(1) the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) specifies that the deposit system it concerns must be implemented starting on 1 November 2023, and sets the same date for the end of the deposit system currently regulated by the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) and the agreements made pursuant to that Act and the Regulation made under it;

(2) the Société québécoise de récupération et de recyclage is a party to those agreements and on 1 November 2023 it will hold amounts collected pursuant to the agreements that it must then remit to the persons who signed the agreements. As a result, it is important for the provisions of this draft Regulation authorizing the payment of such amounts to the management body designated to perform the obligations of the signing parties pursuant to the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers come into force as quickly as possible before that date to enable the financing of the new system;

(3) in addition, the amendments introduced by the draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, published in the *Gazette officielle du Québec* on the same date as this draft Regulation, must come into force before 7 September 2023, and some of them concern the termination of the

current deposit system. It is therefore important for this draft Regulation to come into force on the same date to ensure that the provisions of both Regulations are consistent.

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

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to Gitane Boivin, directrice, Direction des matières résiduelles du ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: infoconsigne-collecte@environnement.gouv.qc.ca.

Benoit Charette
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation respecting certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5, s. 22)

CHAPTER I
PROVISIONS APPLICABLE WITH RESPECT TO DEPOSITS

1. The purpose of this Regulation is to enact certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5).

2. The Société québécoise de récupération et de recyclage, hereinafter the "Société", must, not later than 15 December 2023, pay to the management body designated pursuant to the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) an amount equal to the amount that, on 31 March 2023, appeared as "Provision for amounts payable for container deposits", for the Beer component, under the heading "Liabilities" in its financial statements for the 2022-2023 fiscal year.

The amount is reduced by any part of the provision already paid to the designated management body by the Société before the date of coming into force of this Regulation.

3. The amount referred to in the first paragraph of section 2 cannot be used for any purpose other than the development and implementation of a deposit-refund system for certain containers to which the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) applies.

4. The Société must, not later than 15 December 2023, send to the Minister, the designated management body and each party having signed an agreement entered into in accordance with the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) covering redeemable containers in which beer is sold that is in force on 31 October 2023, the amount of the provision referred to in the first paragraph of section 2, the method used to calculate the amount of the provision, and the elements taken into account to perform the calculation, including:

(1) an estimate by the Société of the number of days, on average, that elapses before a redeemable container is returned for a refund of the deposit pursuant to that agreement;

(2) the daily average of deposits referred to in paragraph 1 that are refunded, including the encouragement bonus, for each deposit amount covered by the agreement;

(3) the amount of the provision, including the encouragement bonus, for redeemable containers in which beer is sold, for each deposit amount covered by the agreement.

CHAPTER II
PROVISIONS APPLICABLE TO COMPENSATION

5. On the expiry of the time limit set out in the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) for the last payment of the compensation owed for the year 2025 to the municipalities to which the Regulation applies, a body certified pursuant to subdivision 4.1 of Division VII of Chapter IV of Title I of the Environment Quality Act (chapter Q-2) that has paid all the amounts of compensation it had to pay pursuant to that subdivision must, if it still holds amounts collected under that subdivision, remit them not later than the thirtieth day following the last payment of compensation owed for the

year 2025 to the management body designated pursuant to the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01).

Despite the first paragraph, the certified body is not required to pay to the designated management body the amounts collected pursuant to section 53.31.13 of the Environment Quality Act to indemnify it for the management and other costs referred to in that section.

6. If a municipality has failed to send its declaration to the Société québécoise de recuperation et de recyclage before the time limit set out in the third paragraph of section 8.8.6 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10), the Société must, within one month, repay to the certified body that collected contributions pursuant to the first paragraph of section 53.31.13 of the Environment Quality Act (chapter Q-2) and paid them to the Société pursuant to the first paragraph of section 53.31.12 of that Act, the compensation that the latter was bound to pay on or before that date.

CHAPTER III
MISCELLANEOUS AND FINAL PROVISIONS

7. Every amount owed pursuant to this Regulation bears interest, from the 31st day following the date on which a notice of claim is served, at the rate provided for in the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

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

106388

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, 12 and 13 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 15 days following this publication.

The draft Regulation makes changes to the provisions concerning the persons required to comply with the obligations of the Regulation in force.

Several other provisions are amended to harmonize the compensation rules in the Regulation with the end date of 31 December 2024.

The draft Regulation specifies the types of services that may be eligible for compensation for supplementary costs for the purpose of calculating the annual compensation owed to a municipality in certain circumstances.

The method used to establish, in certain specific cases, the rate of compensation for a municipality for the year 2023 is specified.

The draft Regulation will have no impact on enterprises.

In accordance with section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the period provided for in section 11 of that Act, because the Government is of the opinion that the urgency of the situation requires it as warranted by the following circumstances:

(1) the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) provides that some of the obligations it imposes are applicable from 1 November 2023, and the persons required to comply are the same as those covered by the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10); taken as a whole, the obligations imposed by both regulations are, although distinct, complementary and the persons to which they apply need to be designated in the same way, which is not presently the case;

(2) the amendments introduced by the draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, published on the same date as this draft Regulation, must come into force before 1 November 2023 and some of them include provisions similar to those amended by this Regulation;

(3) in addition, the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01) specifies obligations for the same persons as those to whom the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials applies. The amendments introduced by the draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials, also published on the same date as this

draft Regulation, must come into force before 7 September 2023, and some of them include provisions similar to the provisions amended by this draft Regulation;

(4) it is therefore important for this draft Regulation to come into force on the same date as the draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers and the draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials, to ensure that the provisions of all the Regulations concerned are consistent.

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

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to Gitane Boivin, directrice, Direction des matières résiduelles du ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: infoconsigne-collecte@environnement.gouv.qc.ca.

Benoit Charette
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

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 and 53.31.17)

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) in the first paragraph

(*a*) by replacing "owner of a brand, a name or a distinguishing guise" in the part preceding subparagraph 1 by "owner or, as the case may be, user of a name or trademark that has a domicile or establishment in Québec";

(*b*) by replacing "that brand, name or distinguishing guise" in subparagraph 1 by "that name or trademark";

(*c*) by replacing "that brand, name or distinguishing guise" in subparagraph 2 by "that name or trademark";

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

"The requirement provided for in the first paragraph is incumbent on a person that has a domicile or establishment in Québec and that acts as the first supplier, other than the manufacturer of a product or containers and packaging of which the person that is the owner or user of the name of trademark has no domicile or establishment in Québec.";

(3) by striking out "whether or not that supplier is the importer" in the third paragraph;

(4) by replacing the fourth paragraph by the following:

"For the purposes of this section,

"trademark" means a sign or combination of signs used by a person for the purpose of distinguishing or so as to distinguish products manufactured, sold, leased or hired, or services hired or performed, by the person from those manufactured, sold, leased or hired, or those hired or performed, by others, but does not include a certification mark within the meaning of section 2 of the Trade-marks Act (R.S.C. 1985, c. T-13);

"name" means the name under which any business is carried on, whether or not it is the name of a legal person, a partnership or an individual.".

2. Section 3.1 is amended

(1) in the first paragraph

(*a*) by replacing "have a brand, a name or a distinguishing guise" by "have a trademark or name";

(*b*) by replacing "identified by a brand, a name or a distinguishing guise" by "identified by a trademark or name";

(*c*) by striking out ", whether or not that supplier is the importer";

(2) by striking out ", whether or not that supplier is the importer" in the second paragraph;

(3) by replacing " "brand", "name" and "distinguishing guise" " in the third paragraph by " "trademark" and "name" ".

3. Section 6 is amended

(1) by replacing "The owner of a brand, a name or a distinguishing guise identifying material included in the newspapers or printed matter class of materials" in the first paragraph by "The owner or, as the case may be, user of a name or trademark identifying material included in the newspapers or printed matter class of materials that has a domicile or establishment in Québec";

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

"The requirement provided for in the first paragraph is incumbent on a person that has a domicile or establishment in Québec and that acts as the first supplier, other than the manufacturer, of the materials concerned, where the person that is the owner or user of the name of trademark identifying the materials has no domicile or establishment in Québec.";

(3) by striking out ", whether or not that supplier is the importer" in the third paragraph;

(4) by replacing " "brand", "name" and "distinguishing guise" " in the fourth paragraph by " "trademark" and "name" ".

4. Section 6.1 is amended

(1) in the first paragraph

(*a*) by replacing "a brand, a name or a distinguishing guise" by "a trademark or name";

(*b*) by striking out ", whether or not that supplier is the importer";

(2) by striking out ", whether or not that supplier is the importer" in the second paragraph;

(3) by replacing " "brand", "name" and "distinguishing guise" " in the third paragraph by "trademark" and "name" ".

5. Section 6.3 is amended

(1) in the first paragraph

(*a*) in the French text, by y replacing "engendrés" in the part preceding subparagraph 1 by "générés";

(*b*) in the French text, by replacing "conclut" in subparagraph 2 by "conclu";

(*c*) by replacing "nature" in subparagraph 3 by "type";

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

"Where a contract referred to in the first paragraph replaces a contract that has expired and is intended to provide services in addition to or different from those covered by the expired contract, or is intended to provide the same type of services to more persons than under the expired contract, the costs generated in either situation are not considered to be supplementary costs for the purpose of calculating the compensation owed to the municipality that has entered into the new contract.".

6. The following is inserted after section 6.4:

"**6.4.1.** Despite section 6.4, for 2025 and any subsequent year, any correction to a declaration sent by a municipality before 1 September of the year for which compensation is owed to it must be received by the Société québécoise de récupération et de recyclage not later than 31 December of the same year.

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

Adjustments arising from a correction made to a declaration referred to in the first paragraph are applied to the amount of the compensation owed to the municipality for the year during which the declaration is sent, in accordance with the terms and conditions in subparagraph 2 of the third paragraph of section 8.10.".

7. Section 8.8.2 is amended, in the French text, by replacing "engendrés" in the definition of the variable "S" in the second paragraph by "générés".

8. The following is inserted after section 8.8.3:

"**8.8.3.1.** Despite section 8.8.3, when the compensation rate of a municipality for the year 2023 referred to in the second paragraph of section 8.8.2 is zero, the rate used for each of the following years is the average rate for the municipalities of the group to which the municipality belongs pursuant to section 8, for each of those years.

"**8.8.3.2.** For the purpose of calculating the compensation rate of a municipality for 2023 referred to in the second paragraph of section 8.8.2, section 8.7 does not apply.".

9. Section 8.8.4 is amended

(1) in the French text, by replacing "engendrés" in the first paragraph by "générés";

(2) in the second paragraph

(*a*) in the French text, by replacing "engendrés" in the definition of the variable "S" by "générés";

(*b*) by inserting "types of" after "Only the" in the definition of the variable "ENC".

10. Section 8.8.6 is amended by replacing "30 June of the year that follows the year for which compensation is owed" in the third paragraph by "31 December 2025 for compensation owed for the year 2025 or 31 December of each following year to the compensation owed for each of those years".

11. Section 8.12.1 is amended by adding the following paragraph at the end:

"Where the contribution in goods or services consists of disseminating a message referred to in the second paragraph, the dissemination must be carried out not later than eighteenth months following the dissemination of the schedule in the *Gazette officielle du Québec*.".

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

106386

Draft Regulation

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6)

Deposit-refund system for certain containers — Amendment

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The draft Regulation amends some definitions, in particular to ensure concordance and to clearly distinguish between redeemable containers and non-returnable containers.

Adjustments are made to the provisions concerning the persons required to comply with the obligations of the Regulation.

The draft Regulation relaxes the requirements for persons conducting a verification of certain activities, and specifies the requirements for audits.

The new deposit amounts will come into force in two phases. The first phase will take effect on 1 November 2023 and cover containers that, prior to 1 November 2023, were redeemable under another Regulation and pursuant to a private deposit system, except if they contain milk, and singe-use and reusable containers made of metal that are mainly composed of aluminum on which no deposit was payable prior to that date. The second phase will begin on 1 March 2023 and cover all the containers to which the Regulation applies.

The draft Regulation includes an exception to the obligation to pay a deposit to a person selling a redeemable container.

Access to a return site and the use of its equipment to return redeemable containers must be provided free of charge, and the number of return sites that must be operational when the implementation of the deposit system begins is reduced.

The draft Regulation amends the requirements for retailers and makes related changes .

Obligations are added for isolated, and unorganized territories in connection with the posting of information in retail establishments in which products are offered for sale in redeemable containers.

The draft Regulation limits, until 1 March 2025, the number of establishments offering on-site consumption for which the designated management body has specific obligations with respect to the deposit system, since only establishments with a capacity of at least 75 persons and establishments whose services include the supply of meals or snacks to at least 75 persons at a time are targeted. From that date, the number of persons will drop to 20.

The draft Regulation also makes it possible for any person to offer a personalized service to collect redeemable containers, on certain conditions.

Details are added to the process for designating a management body.

The draft Regulation amends some of the requirements for the composition of the board of directors of a designated management body to meet the requirements of the Regulation on behalf of producers.

The draft Regulation also details the calculation of the contribution payable by producers to finance the deposit system and the related publication requirements, and adjusts the requirements for the annual report to be produced by the designated management body.

The rules governing the visibility of the costs for recovering and reclaiming redeemable containers are amended.

The draft Regulation amends the obligations for remediation plans.

The rules for designating new members to the monitoring committee provided for in the Regulation are amended to ensure alternating membership.

Last, the draft Regulation makes changes to the monetary administrative penalties and penal sanctions that apply.

The draft Regulation will have an impact on the producers subject to the deposit system, and potentially on consumers. This is because producers will be required to finance the system implemented, which may lead to a transfer of costs to consumers.

In accordance with section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the period provided for in section 11 of that Act, because the Government is of the opinion that the urgency of the situation requires it as warranted by the following circumstances:

(1) the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) provides that some of the obligations it imposes are applicable from 1 November 2023, in particular concerning the persons required to comply such as retailers and establishments offering on-site consumption, the application of new deposit amounts, the types of containers concerned, and the minimum number of return sites that must be operational;

(2) the draft Regulation aims, in particular, to push back until 2025 the coming into force of the new deposit amounts for some of the containers concerned, to reduce substantially, until 2025, the number of establishments offering on-site consumption for which the designated management body must assume specific obligations, to reduce from 1 November 2023 the number of retailers subject to the obligations of the Regulation, and to reduce the minimum number of return sites that must be operational by 1 November 2023. It is therefore important for this draft Regulation to be made as soon as possible prior to that date, in particular to allow the persons concerned to take the amendments into account and to ensure that the necessary amendments come into force in a timely manner;

(3) in addition, the amendments introduced by the draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials, published in the *Gazette officielle du Québec* on the same date as this draft Regulation, must come into force before 7 September 2023 and some of them include provisions similar to or that complement those proposed by this draft Regulation; it is therefore important for this draft Regulation to come into force on the same date as the draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials, to ensure that the provisions of both Regulations and the systems to which they apply are consistent.

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

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to Boivin, directrice, Direction des matières résiduelles du ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: infoconsigne-collecte@environnement.gouv.qc.ca.

Benoit Charette
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars 6 and 8, s. 53.30.2, pars. 1 to 7 and 9 to 11, s. 53.30.3, pars. 1 to 7, and s. 95.1, 1st. par., subpar. 9)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par. and s. 45, 1st par.)

1. The Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) is amended in section 2

(1) in the first paragraph

(*a*) by striking out ", provided that such liquid contains more than 0.5% of ethyl alcohol by volume" in the definition of "alcoholic beverage";

(*b*) by replacing the definitions of "container" and "redeemable container" by the following:

" "redeemable container" means a recipient, except a bag or a bag-in-box package, used to commercialize, market or otherwise distribute a product in a volume of not less than 100 ml and not more than 2 litres, of a type defined in section 3 and on which a deposit is paid; (*contenant consigné*)";

(*c*) by replacing "in or outside the premises" in the definition of "establishment offering on-site consumption" by "on the premises, including but not limited to a hospital, a detention centre, a penitentiary, an establishment housing the elderly, a childcare centre and an educational institution";

(2) by inserting "and except as regards the volume of ethyl alcohol contained in such liquids" " after "meaning" in the second paragraph.

2. Section 5 is amended

(1) by replacing "containers" in the first paragraph by "redeemable containers";

(2) by replacing subparagraphs 2 and 3 of the second paragraph by the following:

"(2) the product is commercialized, marketed or otherwise distributed in Québec without a name or trademark.".

3. Section 11 is amended by inserting "with a capacity of 20 or more persons at a time or whose services include the supply of meals or snacks to 20 or more persons at time" after "consumption" in subparagraph 9 of the first paragraph.

4. Section 14 is amended in the part of paragraph 1 preceding subparagraph *a*

(1) by striking out "who is not employed by a producer or by a designated management body and";

(2) by replacing "containers" by "redeemable containers".

5. Section 17 is replaced by the following:

"**17.** The amount of the deposit for each redeemable container is

(1) $0.25 for single-use or reusable containers made of glass or any other breakable material that are used to commercialize, market or otherwise distribute a product and that have a volume of not less than 500 ml and not more than 2 litres;

(2) $0.10 for single-use or reusable containers made of glass or any other breakable material that are used to commercialize, market or otherwise distribute a product and that have a volume of not less than 100 ml and not more than 499 ml and for other types of containers.

The first paragraph applies from the following dates:

(1) 1 November 2023 for single-use or reusable containers made of metal that are mainly composed of aluminum and on which no deposit was payable prior to that date, containers in which beer or a carbonated soft drink is commercialized, marketed or otherwise distributed and for which a deposit, fixed in an agreement entered into pursuant to the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) as it read on (*enter here the date of coming into force of this Regulation*), was payable prior to that date, and containers on which a deposit, fixed under an unregulated deposit system, was payable prior to that date, with the exception of containers used to commercialize, market or otherwise distribute milk;

(2) 1 March 2025 for all containers referred to in section 3 on which no deposit was payable before that date.".

6. Section 18 is amended

(1) in the part of the first paragraph preceding subparagraph 1

(*a*) by replacing "the expiry of a 5-year period beginning in the sixteenth month following 7 July 2022" by "30 November 2028";

(*b*) by replacing "container" by "redeemable container";

(2) in the second paragraph

(*a*) by replacing "containers" by "redeemable containers";

(*b*) by replacing "format and volume of the containers" by "volume of the product commercialized, marketed or otherwise distributed in the type of redeemable containers concerned by the modification";

(3) by replacing "container" in subparagraph 1 of the third paragraph by "redeemable container";

(4) by replacing "container" in the fourth paragraph by "redeemable container".

7. Section 19 is amended

(1) in the first paragraph

(*a*) by replacing "in the sixteenth month following 7 July 2022" by "on 1 November 2023";

(*b*) by replacing "types of containers" by "types of redeemable containers";

(2) in the second paragraph

(*a*) in the French text, by replacing "celles-ci" by "la fixation ou de la modification du montant";

(*b*) by replacing "format and volume of the containers" by "volume of the product commercialized, marketed or otherwise distributed in the type of redeemable containers concerned by the specification or modification".

8. Section 20 is amended by replacing "modifying or specifying" in the second paragraph by "specifying or modifying".

9. Section 21 is amended by replacing "containers" in the first paragraph by "redeemable containers".

10. Section 22 is revoked.

11. Section 23 is amended by adding the following paragraphs at the end:

"The first paragraph does not apply to the sale of a product in a redeemable container in a retail establishment in which that product is offered for sale only by means of one or more vending machines or a single commercial refrigerator measuring no more than 76.2 cm wide × 82.28 cm deep × 200.66 cm high or by an establishment offering on-site consumption and, in the latter case, the establishment may not demand payment of the deposit for such a container.

Despite the second paragraph, if the operator of such a retail establishment demands, without being required to do so, the payment of the deposit on a redeemable container in which a product is offered for sale as described in that paragraph, the person buying the product is required to pay the deposit.".

12. The following is inserted before section 25:

"**24.1.** With the exception of the provisions of section 9, beginning on 1 November 2023 no deposit on a redeemable container may be refunded except under the provisions of this Regulation.".

13. Section 25 is amended in the first paragraph

(1) in subparagraph 5

(*a*) by replacing "disposal of containers" by "disposal of redeemable or non-returnable containers that are";

(*b*) by inserting "or non-returnable" after "redeemable;

(2) by adding the following subparagraph after subparagraph 11:

"(12) access to the site and the use of its equipment to return redeemable containers and obtain a refund of the deposit must be provided free of charge.".

14. Section 35 is amended by replacing "containers from" by "redeemable containers from".

15. Section 39 is amended by replacing "containers" in paragraph 2 by "redeemable containers".

16. Section 41 is amended in the first paragraph :

(1) by replacing "in the sixteenth month following 7 July 2022" by "on 1 November 2023";

(2) by replacing “1,500” by “1,200”;

(3) by adding “Beginning on 1 March 2025, a minimum of 1,500 return sites, excluding bulk return sites, must be functional.” at the end.

17. Section 42 is amended by replacing “containers” in the first paragraph by “redeemable containers”.

18. Section 44 is amended by replacing “the fifteenth day following 7 November’ in the first paragraph by “15 December”.

19. Section 47 is amended in the first paragraph

(1) by replacing “the fourth month following 7 July 2022” in the part preceding subparagraph 1 by “1 November 2022”;

(2) by replacing “containers” in subparagraph 8 by “redeemable containers”;

(3) by inserting “redeemable or non-returnable” after “transport” in subparagraph 13;

(4) in subparagraph 14,

(*a*) in the French text, by inserting “ce que” after “jusqu’à”;

(*b*) by inserting “non-returnable” after “in the case of”;

(*c*) in the French text, by replacing “ce qu’une” by “une”;

(5) in the French text, by replacing “pas” in subparagraph *e* of subparagraph 15 by “non”.

20. Section 48 is amended

(1) by inserting “, except those set out in sections 52 and 53,” after “subdivision;

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

“When such a group is formed, its members are required to allow any retailer who so wishes to join, even if the group is already formed. A retailer joining the group must comply with the rules set by its members and with the provisions of section 49.”.

21. Section 50 is amended in the first paragraph

(1) by replacing “at the end of the ninth month following 7 July 2022” by “on 30 April 2023”;

(2) by replacing “after the time limit” by “of that date”.

22. Section 51 is amended

(1) in the first paragraph

(*a*) by replacing “the twelfth month following 7 July 2022” by “31 July 2023”;

(*b*) in the French text, by replacing “échéance” par “date”;

(2) in the second paragraph :

(*a*) by replacing “14” in subparagraph 1 by “15”;

(*b*) by adding the following subparagraph after subparagraph 2:

“(3) provide the retailer, within 3 months following 31 July 2023, with the name and logo of the system.”.

23. Section 53 is amended by adding the following paragraph at the end:

“The requirement to post the address pursuant to the first paragraph also applies to retailers whose retail establishment is located in an isolated or remote territory.”.

24. The following is inserted after section 54:

“**54.1.** Every retailer must, not later than 15 October 2023, use the application provided for that purpose by a producer on its website to supply the producer with the retailer’s name, telephone number and email address, the name of the retailer’s representative, the name, address and area of each establishment the retailer operates that is referred to in section 45, and the address of the return site planned for each establishment.

The producer must, not later than 1 October 2023, ensure that every retailer referred to in the first paragraph is able to supply the information listed in that paragraph using the application referred to in that paragraph.

“**54.2.** Every retailer referred to in section 45 that operates a retail establishment reduced to an area of less than 375 m^2 or that ceases to operate a retail establishment referred to in that section must, at least 15 days before the reduction becomes effective or the establishment ceases operations, notify every producer in writing.”.

25. Section 55 is amended

(1) by replacing “within 18 months following 7 July 2022” by “not later than 7 January 2024”;

(2) by adding “and submit an updated list to them each year, with the annual report” at the end.

26. Section 56 is replaced by the following:

"**56.** Subject to the provisions of the second paragraph, the provisions of this subdivision apply only to retailers referred to in section 45, except for sections 52 and 53, which apply to all retailers.

The provisions of this subdivision do not apply to establishments offering on-site consumption, nor do they apply, except for sections 52 and 53, to retailers that operate a retail establishment in an isolated or remote territory or an unorganized territory.".

27. Section 57 is amended

(1) by striking out "in which products are sold" in the first paragraph;

(2) in the second paragraph

(*a*) by replacing "the fourth month following 7 July" in the part preceding subparagraph 1 by "1 November";

(*b*) by replacing "containers" in subparagraph 9 by "redeemable containers";

(*c*) by inserting "the redeemable containers that are" after "or" in subparagraph 13;

(*d*) by inserting ", whether redeemable or non-returnable," after "transport containers" in subparagraph 13.

28. Section 58 is amended in the first paragraph

(1) by replacing "at the end of the ninth month following 7 July 2022" by "on 1 May 2023";

(2) by replacing "after the time limit" by "of that date".

29. Section 59 is amended in the first paragraph

(1) by replacing "by the end of the twelfth month following 7 July 2022" in the part preceding subparagraph 1 by "31 July 2023";

(2) in the French text, by replacing "échéance" in the part preceding subparagraph 1 by "date";

(3) by replacing "containers from the return sites, and transport, condition and, in the case of redeemable containers," in the part preceding subparagraph by "redeemable containers and abandoned non-returnable containers from the return sites, transport them and, in the case of redeemable containers, condition and".

30. Section 61 is replaced by the following:

"**61.** The cost of installing a return site referred to in sections 57 to 59 and the cost of the operational management of the site are borne by the producer."

31. Section 62 is replaced by the following:

"**62.** The operator of an establishment offering on-site consumption must participate in the deposit-refund system developed and implemented pursuant to this Regulation.

The operator of an establishment offering on-site consumption with a capacity of 20 or more persons at a time or whose services include the supply of meals or snacks to 20 or more persons at time must, in order to comply with the requirement of the first paragraph and in addition to the requirements of sections 63 and 65, take the other necessary steps to do so within the establishment."

32. Section 63 is amended

(1) by replacing "in the fourth month following 7 July" in the part preceding subparagraph 1 by "on 1 November";

(2) by inserting "with a capacity of at least 75 persons whose services include the supply of meals or snacks to at least 75 persons at a time" after "establishments offering on-site consumption" in the part preceding paragraph 1;

(3) by inserting "the operator of" after "or with" in the part preceding subparagraph 1;

(4) by replacing "such establishments" in subparagraph 4 by "each establishment";

(5) in the French text, by replacing "chacun de ces établissements" in subparagraph 5 by "chaque établissement";

(6) by replacing "such establishments" in subparagraph 8 by "each establishment";

(7) by replacing "the sixteenth month and a half following 7 July 2022" in subparagraph 9" by "1 November 2023";

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

"Beginning on 1 March 2024, the steps referred to in the first paragraph must also be taken with establishments offering on-site consumption with a capacity of at least 20 persons and with establishments whose services include the supply of meals or snacks to at least 20 persons at a time, if they were not already covered by the first paragraph. The implementation schedule for

collection services must, in the case of those establishments, provide for collection services to begin not later than 1 March 2025.".

33. Section 64 is amended

(1) in the first paragraph

(*a*) by replacing "at the end of the eleventh month following 7 July 2022" by "on 1 July 2023 for the establishments referred to in the first paragraph of section 63 and 1 November 2024 for the establishments referred to in the second paragraph of section 63";

(*b*) by replacing de ", as the case may be, an" by "the operator of an";

(*c*) by replacing "the time limit" by "that date";

(*d*) by replacing ", as the case may be, the" by "the operator of";

(2) by replacing ", as the case may be," in the second paragraph by "the operator of";

(3) by replacing ", as the case may be," in the third paragraph by "the operator of";

34. Section 65 is amended

(1) by replacing the part preceding paragraph 1 by:

"If, on 1 October 2023 or, as the case may be, 1 February 2025, the persons referred to in section 63 have still not succeeded in entering into a contract, the producer must, not later than beginning in the fifth week following either date, offer free of charge, to each establishment offering on-site consumption on whose behalf the group acts, that has consented and has not entered into a contract pursuant to section 63, and to the operator of each establishment offering on-site consumption acting individually, that has consented and has not entered into a contract pursuant to section 63, a collection service for redeemable containers, on the following conditions:";

(2) by replacing paragraphs 1 and 2 by the following paragraphs:

"(1) beginning in the fifth week following 1 October 2023 for the establishments offering on-site consumption referred to in the first paragraph of section 63: at least one collection per week;

"(2) beginning in the fifth week following 1 February 2025 for the establishments offering on-site consumption referred to in the second paragraph of section 63: at least two collections per month;";

(3) by inserting "readout" after "digital" in paragraph 6;

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

"If, after four consecutive collections from an establishment offering on-site consumption carried out pursuant to the first paragraph, the producer observes that at each collection, the quantity of redeemable containers collected that are made of metal, plastic or fibre, including multilayer containers, is less than 750, or that the quantity of redeemable containers collected that are made of glass or another breakable material is less than 250, it may reduce the frequency of the collections agreed on with the establishment. However, when, for all such types of containers, the quantity of redeemable containers collected that are made of metal, plastic or fibre, including multilayer containers, is equal to or greater than 375 and the quantity of redeemable containers collected that are made of glass or another breakable material is equal to or greater than 125, the producer must maintain the frequency of the collections agreed on with the establishment.".

35. The following is inserted after section 66:

"**66.1.** Every producer must, not later than 7 January 2024 for the establishments referred to in the first paragraph of section 63 and 1 March 2025 for the establishments referred to in the second paragraph of that section, provide a list of all the establishments offering on-site consumption referred to those paragraphs to the Société and the Minister, and send them an updated list annually at the same time as the annual report.

Every establishment offering on-site consumption referred to in the first paragraph must, not later than 15 October 2023 for the establishments referred to in the first paragraph of section 63 and not later than 1 March 2024 for the establishments referred to in the second paragraph of section 63, provide every producer with the name and address of the establishment, its capacity, the name of its representative, its telephone number and its email address. The producer must, not later than 1 October 2023, ensure that the establishments are able to provide and update the information using an application on the producer's website.

"**66.2.** Every establishment offering on-site consumption referred to in the first paragraph of section 63 that began operations after 1 October 2023 or, for the establishments referred to in the second paragraph of section 63, after 1 March 2025 and every establishment offering on-site consumption whose capacity or delivery of services including the supply or meals or snacks is increased to 20 or more persons at a time after 1 March 2025 must, at least one month before beginning operations or before

the increase takes effect, provide every producer with the information listed in the second paragraph of section 66.1, using the application on the producer's website.

"**66.3.** Every establishment offering on-site consumption whose capacity or delivery of services including the supply or meals or snacks is decreased to less than 20 persons at a time or that ceases its operations must, at least 15 days before the decrease takes effect or operations cease, inform every producer in writing.".

36. The following is inserted after section 66:

"*§5. Personalized collection service for redeemable containers*

"**66.4.** A person may, for remuneration, offer a personalized service to collect redeemable containers from a home or an establishment offering on-site consumption, combined with a service to refund the deposit on the containers, provided the person first obtains the agreement of every producer that has developed and implemented a collection system.

"**66.5.** A person offering such a service must return the redeemable containers collected either to a return site or to a service provider having entered into a contract pursuant to section 67.

"**66.6.** A person offering such a service must also, when the redeemable containers are returned to a place other than a return site, inform a producer referred to section 66.4, at the frequency agreed with the producer, of

(1) the quantity, by type, of redeemable containers collected, by administrative region and by isolated or remote territory;

(2) the place where the containers were returned.

"**66.7.** The deposit on a redeemable container collected pursuant to this subdivision must be refunded in full.".

37. Section 69 is amended in paragraph 9

(1) by replacing "containers" by "redeemable containers";

(2) by adding ", and in particular the measures concerning redeemable containers returned by a personalized collection service for redeemable containers".

38. Section 73 is amended by replacing "containers" wherever it occurs in subparagraph 4 of the first paragraph by "redeemable containers".

39. Section 74 is amended by replacing "subsubdivision 8 of subdivision 1 of Division II of this Chapter" in paragraph 4 by "sections 119 to 123".

40. Section 83 is amended by adding, at the end, "It must also, within the same time limit, notify the producers.".

41. Section 88 is amended in the first paragraph

(1) by replacing "and" by ",";

(2) by inserting "and comply with the obligation in paragraph 5 of section 74" after "Québec".

42. Section 89 is amended by inserting the following paragraph after the first paragraph:

"Where this is the case and where the body for which the application is filed meets the requirements of sections 73 and 74, and provided the requirements of sections 71 and 72 have been met, the Société must give it priority over a body that it is considering designating pursuant to the first paragraph of section 88.".

43. Section 92 is amended in the first paragraph

(1) by striking out "representatives of" in subparagraph 1;

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

"(1.1) that the natural person representing a producer on the board of directors is active mainly in Québec and is employed by the producer;";

(3) by replacing "containers commercialized, marketed or otherwise distributed in Québec by the producers in each sector" in subparagraph 3 by "redeemable containers used by the producers to commercialize, market or otherwise distribute products in Québec, in each category,".

44. The following is inserted after section 92:

"**92.1.** Not later than 1 February 2024, the designated management body must send a list of the producers to which this Regulation applies to the Société and the Minister, indicating the producers who are members of the body and, in each case, whether the producer is a minor, medium or major contributor and, where applicable, the name of the trademark or trademarks owned or used by the producer.

The designated management body must update the list each year and file it with its annual report.".

45. Section 95 is replaced by the following:

"**95.** The contribution a producer is required to pay pursuant to the third paragraph of section 94 is calculated by multiplying the quantity of redeemable containers used by the producer during the year for which the contribution is required to commercialize, market or otherwise distribute a product, by a per-container amount set by the designated management body.

In setting the amount referred to in the first paragraph, the designated management body first calculates a basic amount applicable to every redeemable container belonging to a type of container, which may vary depending on the product commercialized, marketed or otherwise distributed in the container.

Next, the designated management body varies the amount depending on whether the container to which it applies is single-use or reusable, increasing the amount for single-use containers and decreasing it for reusable containers. The basic amount for a reusable container may not, however, be more than 25% greater than the average basic amount for all types of single-use containers.

After calculating and varying the basic amount applicable to a container pursuant to the second and third paragraphs, the designated management body again varies the amount by taking into account the capacity of the deposit-refund system to take it in charge until its reclamation and, among other factors, the factors connected to the impact of the containers on the environment, including

(1) the materials of which the container is made;

(2) its actual recyclability;

(3) the existence of markets for all the materials of which it is made;

(4) the existence of markets in Québec for all the materials of which it is made;

(5) the inclusion of post-consumer recycled materials in the container;

(6) the effort made to reduce, at source, the materials used to manufacture the redeemable container.

The consideration given to the elements and factors in the fourth paragraph may lead to a different result for containers belonging to the same type of container.".

46. Section 96 is replaced by the following:

"**96.** The designated management body must post and update on its website, without restricting access,

(1) the basic amount referred to in the second paragraph of section 95, for each type of redeemable container and based on the volume of the product commercialized, marketed or otherwise distributed in each type of redeemable container;

(2) the manner in which it has taken into account, in varying the basic amount, the fact that the container concerned is a single-use or reusable container, the capacity of the system to take it in charge until its reclamation, and the factors connected with the container's impact on the environment, including those listed in the fourth paragraph of section 95.".

47. Section 97 is amended by replacing "container" by "redeemable container".

48. Section 98 is amended

(1) by replacing "disclosed" in the second paragraph by "made visible by the producer";

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

"If a producer makes an internalized cost visible, any person who offers for sale, sells, distributes to a user or final consumer or otherwise makes available the product referred to in the first paragraph of section 95 may also, without being required to do so, make the amount visible. The person must, in such a case, include a mention for the same purpose as in the second paragraph and the same internet address.".

49. Section 99 is amended

(1) in the first table,

(*a*) by replacing "70" in the second line by "55"

(*b*) by replacing "65" in the third line by "60";

(*c*) by striking out the fourth line;

(*d*) by striking out the sixth line;

(*e*) by replacing "containers" in the seventh line by "redeemable containers";

(2) in the second table, by replacing "containers" in the eighth line by "redeemable containers".

50. Section 100 is amended by inserting "referred to in that section" after "type of containers".

51. Section 103 is amended

(1) in the first table,

(*a*) by replacing "68" in the second line by "53"

(*b*) by replacing "63" in the third line by "58";

(*c*) by striking out the fourth and sixth lines;

(2) in the second table, by replacing "85" in the seventh line by "90".

52. Section 105 is amended by striking out "redeemable".

53. Section 106 is amended by striking out "redeemable".

54. Section 108 is amended in the first paragraph

(1) by replacing "2028" in the fourth line of the table by "2027";

(2) by replacing "2026" in the seventh line of the table by "2028".

55. Section 109 is amended by striking out "redeemable".

56. Section 110 is amended in the second paragraph by replacing "container" wherever it occurs by "redeemable container".

57. Section 111 is amended by inserting "redeemable or non-returnable" after "new", wherever it occurs.

58. Section 113 is amended

(1) in the second paragraph

(*a*) by replacing "one or more" by "several";

(*b*) by replacing "sub-subdivision 9 of this subdivision" by "sections 127 to 135";

(*c*) by striking out ", for information purposes,";

(*d*) by adding "unless a remediation plan that is still in effect has already been sent for those rates" at the end;

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

"Every change to a remediation plan must be sent to the Société and to the Minister within 30 days of the date on which it is made.".

59. Section 114 is amended

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

"(1) allow, by the end of the second year following the year in which the plan is sent, the rates prescribed for the second of those years to be achieved;".

(2) by inserting "redeemable or non-returnable" after "new in subparagraph 2 of the second paragraph.

60. Section 115 is amended

(1) by replacing "associated with" in the first paragraph by "of";

(2) in the second paragraph

(*a*) by replacing the part preceding subparagraph 1 by "The amount of the financing provided for in the first paragraph is calculated as follows for a year, and the result of the calculation is multiplied by 3 to obtain the total amount of the financing:";

(*b*) by replacing "Recovery rate – for the prescribed recovery rate, using the equation" in subparagraph 1 by "for prescribed recovery rates that have not been achieved using, for each rate, the equation";

(*c*) by replacing "the year concerned" in the definition of "MFf" in subparagraph 1 by "a year";

(*d*) by replacing "concerned" in the definition of "Qcm" in subparagraph 1 by "for which the rates have not been achieved";

(*e*) by inserting ","after "amount" in the definition of MC in subparagraph 1;

(*f*) by striking out "Reclamation rate, local reclamation rate and recycling rate –" in subparagraph 2;

(3) in the third paragraph

(*a*) by replacing "2 rates prescribed for a given year are not achieved" in subparagraph 2 by "neither the recovery rate nor the reclamation rate, except the local reclamation rate, for a given year is achieved";

(*b*) in the French text, by striking out "pas" in subparagraph 2;

(*c*) by striking out subparagraph 3.

61. The following is inserted after section 115:

"**115.1.** If, before the expiry of a remediation plan, a rate achieved for the year during which the plan was sent or the year following is below the rate achieved that led to the sending of the plan, extra financing must be added to the financing initially provided for in the plan. The extra financing is calculated using the equation in the second paragraph of section 115, adapted to ensure that the rate used for the calculation is the rate for the year during which the plan was sent or the year following and applies until the expiry of the plan.

If, before the expiry of a remediation plan, a rate prescribed for the year during which the plan was sent or the year following is achieved, the designated management body may cease to implement the measures in the plan with respect to that rate and the associated financing.

On the expiry of a remediation plan, if the designated management body has disbursed only part of the amount provided to finance the measures in the plan and if the rate or rates prescribed for the second year have not been achieved, it must add to the amounts provided for the financing of the measures in the next plan an amount equivalent to the amount that has not been disbursed.

"**115.2.** Until the expiry of a remediation plan, the designated management body may use the financing associated with the plan at the time of its own choosing.".

62. Section 116 is amended in the first paragraph

(1) by inserting ", calculated for one year," after "financing";

(2) by inserting ", for the last such year," after "If".

63. Section 119 is amended

(1) by inserting "redeemable or non-returnable" after "new" in subparagraph 5 of the first paragraph;

(2) by replacing "may be represented by a maximum of 2 persons as member of the monitoring committee" in the second paragraph by "must be represented on the monitoring committee by a member of the committee. The representation may not exceed 2 persons per member".

64. Section 120 is replaced by the following:

"**120.** Every 2 years, one quarter of the members of the monitoring committee, representing persons or bodies listed in subparagraphs 1 to 8 of the first paragraph of section 119 must be replaced by new members meeting the conditions of that paragraph.".

65. Section 127 is amended

(1) by adding ", the audit report on its statements as well as the data referred to in the third paragraph and the audit report on the information referred to in section 135.1" at the end of the first paragraph;

(2) by replacing "in the sixteenth month following 7 July 2022" in the second paragraph by "on 1 November 2023";

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

"The financial statements and the data referred to in subparagraphs *b* to *g*, *j* and *k* subparagraph 2 and subparagraphs *a* to *d* of subparagraph 3 of the first paragraph of section 129, and those referred to in the second paragraph of that section, must be audited by a chartered professional accountant authorized by the professional order to which the accountant belongs to perform an audit engagement. They may also be audited by any other person legally authorized to perform such an activity in Québec.".

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

"The person engaged to perform the audit referred to in the third paragraph must not be employed by the body.".

66. Section 129 is amended

(1) by inserting "redeemable or non-returnable" after "new" in subparagraph *j* of subparagraph 2 of the first paragraph;

(2) by replacing "containers" in subparagraph *k* of subparagraph 2 of the first paragraph by "redeemable containers";

(3) by replacing "per-container amount used to calculate such contributions and the way in which the factors connected to the impact of the containers on the environment were applied when setting the per-container amount for calculating contributions" in subparagraph 1 of the second paragraph by "details for the calculation of the basic amount referred to in the second paragraph of

section 95 and the method used to vary that amount for each container in accordance with the third paragraph of that section, as well as the method used to take into account, when varying the amount in accordance with the fourth paragraph of that section, the capacity of the deposit-refund system to take in charge until its reclamation the container targeted by the calculation and the factors connected to its impact on the environment, including those listed therein.".

67. Section 130 is amended by replacing "container" in paragraph 2 by "redeemable container".

68. Section 132 is replaced by the following:

"**132.** Where a remediation plan has been produced by the designated management body, the annual report must also contain

(1) a detailed description of the measures in the plan that have been implemented during the year covered by the report;

(2) where applicable, the reason why some measures have not been implemented;

(3) the costs incurred or to be incurred for the implementation of the measures;

(4) the details of the calculation referred to in the second paragraph of section 115.1;

(5) where applicable, the information contained in the update of the plan send during the year.".

69. The following is inserted after section 135:

"*§§10.1. Audit of the information provided by producers and conditioners*

"**135.1.** The designated management body must, between 1 January 2026 and 31 December 2030 and at least every 5 years thereafter, have the information provided by its members pursuant to section 141 concerning the type, quantity or weight of redeemable containers audited by a professional referred to in the third paragraph of section 127.

The body must also, between 1 January 2026 and 31 December 2028 and at least every three years thereafter, have the information of the same nature as the information referred to in subparagraphs *e*, *f* and *j* of subparagraph of the first paragraph of section 129 forwarded to it by each of the conditioners with which it has entered into a contract pursuant to section 67 audited by a professional referred to in the third paragraph of section 127.

To allow the designated management body to fulfill the obligations in the first and second paragraphs, every member of the body or, as the case may be, every conditioner referred to in the second paragraph must give the professional engaged to perform the audit, at the professional's request, access to the documents and information needed by the professional for the audit.

A professional engaged to perform an audit under this section may be employed by the person providing the engagement.".

70. Section 139 is amended by replacing "containers" in subparagraph *b* of paragraph 4 by "redeemable containers".

71. The following is inserted after the heading of Chapter IV:

"**DIVISION I**
"GENERAL".

72. Section 143 is amended by adding the following paragraph at the end:

"(6) the measures to be implemented to allow, as far as possible, for the sharing of the spaces used for each system, the costs involved in implementing the systems, and any other measure needed to optimize the use of the bodies' resources.".

73. The heading of Division I of Chapter IV is amended by replacing "I" by "II".

74. The heading of Division II of Chapter IV is amended by replacing "II" by "III".

75. Section 174 is amended

(1) by inserting the following after paragraph 3:

"(3.1) fails to provide the information referred to in the first or second paragraph of section 66.1, section 66.2 or the first paragraph of section 92.1;

"(3.2) fails to inform a producer in accordance with section 66.3;";

(2) by inserting "section 54.2," after "provided for in" in paragraph 5;

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

"(6.1) fails to update the list referred to in the first paragraph of section 92.1 and to file the list with its annual report, in contravention of the second paragraph of that section;";

(4) by inserting "and on the conditions" after "limit" in paragraph 9;

(5) by replacing paragraph 11 by the following:

"(11) fails to have the information referred to in the first or second paragraph of section 135.1 audited on the conditions and at the times specified in that section;

"(12) fails to give access to the documents and information referred to in the third paragraph of section 135.1;

"(13) fails to comply with the time limit in section 142.".

76. Section 176 is amended

(1) in paragraph 3

(*a*) by replacing "container" by "redeemable container";

(*b*) by inserting "the first paragraph of" after "contravention of";

(2) by inserting ", the first paragraph of section 54.1" after "section 51" in paragraph 11;

(3) by inserting the following after paragraph 24:

"(24.1) fails to send a change to remediation plan or fails to send it within the time prescribed in section 113;".

77. Section 179 is amended by striking out "monetary administrative" in paragraph 24.

78. Section 181 is amended

(1) by inserting the following after paragraph 3:

"(3.1) fails to provide the information referred to in the first or second paragraph of section 66.1 or the first paragraph of section 92.1,

"(3.2) fails to inform a producer in accordance with section 66.3,";

(2) by inserting "section 54.2," after "provided for in" in paragraph 5;

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

"(6.1) fails to update the list referred to in the first paragraph of section 92.1 and to file the list with its annual report, in contravention of the second paragraph of that section,";

(4) by inserting "and on the conditions" after "limit" in paragraph 9;

(5) by replacing paragraph 11 by the following:

"(11) fails to have the information referred to in the first or second paragraph of section 135.1 audited on the conditions and at the times specified in that section,

"(12) fails to give access to the documents and information referred to in the third paragraph of section 135.1,

"(13) fails to comply with the time limit in section 142,".

79. Section 183 is amended

(1) in paragraph 3

(*a*) by replacing "container" by "redeemable container";

(*b*) by inserting "the first paragraph of" after "contravention of";

(2) by inserting ", the first paragraph of section 54.1" after "section 51" in paragraph 11;

(3) by inserting the following after paragraph 24:

"(24.1) fails to send a change to remediation plan or fails to send it within the time prescribed in section 113,".

80. The heading of Chapter IX is amended, in the French text, by replacing "TRANSITOIRE" by "TRANSITOIRES".

81. The following is inserted before section 190:

"**189.1.** Despite section 17, the amount of a deposit on a contained fixed under an agreement entered into pursuant to the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) as it read on 31 October 2023, or fixed under an unregulated deposit system for redeemable containers from 1 November 2023, is, if greater than the deposit on such a container under this Regulation and for the 15 days following 31 October 2023, refundable in the amount fixed under the agreement or unregulated deposit system, and the provisions of this Regulation apply to the refund.

"**189.2** Despite the provisions of this Regulation, any producer to which this Regulation applies that, on 1 November 2023, operates an unregulated deposit system to apply a deposit, fixed by the producer, to containers referred to in section 3 that the producer uses to commercialize, market or otherwise distribute milk may continue to operate the system until 28 February 2025.

For 15 days after 28 February 2025, the deposit on the containers referred to in the first paragraph is refundable in the amount fixed under the unregulated system if it is greater than the amount of the deposit on such a container under this Regulation.

"**189.3** The designated management body must inform the population, not later than 15 October 2023 for containers referred to in section 189.1 or 15 February 2025 for containers referred to in section 189.2, of the provisions provided for in sections 189.1 and 189.2".

82. Section 190 is amended

(1) by replacing "7 July 2022 ceases to have effect on the first day of the sixteenth month following that date" in the first paragraph by "the date on which that Act is repealed ceases to have effect on the same date";

(2) by replacing "7 July 2022 terminates on the first day of the sixteenth month following that date" in the second paragraph by "the date on which that Act is repealed ceases to have effect on the same date";

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

"The same applies to the agreement dated 17 May 1985 entered into by the Fonds québécois de récupération, the Association des détaillants en alimentation du Québec, the Association des épiciers en gros du Québec, the Conseil québécois du commerce de détail, the Canadian Grocery Distributors' Institute, Ferme Carnaval inc., Les épiciers unis/Métro-Richelieu inc., Groupe Servi, represented by Aliments Servi inc., Hudon et Deaudelin ltée, Provigo inc., Steinberg inc. and the special retailers' committee set up by the Association des détaillants en alimentation, in collaboration with the retail chains, and to any written agreement that replaces it which, if still in effect on the date of repeal of the Act referred to in the first paragraph, ends on that date.".

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

106387

Draft Regulation

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6)

Recovery and reclamation of products by enterprises — Amendment

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation to amend to Regulation respecting the recovery and reclamation of products by enterprises, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The draft Regulation makes changes to the provisions concerning the persons required to meet the obligations of the Regulation in force.

Obligations are added with respect to drop-off centres and collection services for the products to which the Regulation in force applies.

The draft Regulation amends the rules governing the visibility of costs for the recovery and reclamation of the products to which the Regulation in force applies.

The draft Regulation requires information to be added to the report that an enterprise must submit annually to the Minister.

The rules on audits are specified.

The draft Regulation amends the obligations concerning remediation plans.

Free access for the returning of products to drop-off centres is extended to all complementary collection services.

The draft Regulation adds smart watches to the category of electronic products.

The date on which the minimum recovery rate for paints and paint containers and for oils, coolants, antifreeze, filters and containers and other similar products increases from 75% to 80% is pushed back.

The weight under which household appliances and air conditioners are excluded from the application of the division of the Regulation in force dealing with such appliances is increased to 400 kg, and the date on which some enterprises must add an additional collection service directly at the consumer is specified.

The draft Regulation specifies the year in which some enterprises must set up extra drop-off centres for pressurized fuel containers at specified locations.

The applicable uses for agricultural products referred to in the Regulation are clarified.

The draft Regulation specifies which products in the natural health products category are covered when intended for animals, and the cutting or sharp objects to which the Regulation applies.

The monetary administrative penalties and penal sanctions are adjusted.

The draft Regulation will have no impact on enterprises.

In accordance with section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the period provided for in section 11 of that Act, because the Government is of the opinion that the urgency of the situation requires it as warranted by the following circumstances:

(1) the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) provides that some of the obligations it imposes are applicable from 1 November 2023, and the persons required to comply are the same as those covered by the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1); some obligations are, in addition, similar in both Regulations and others are complementary;

(2) the amendments introduced by the draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, published in the *Gazette officielle du Québec* on the same date as this draft Regulation, must come into force before 1 November 2023 and some of them include provisions similar to those proposed by this draft Regulation; it is therefore important for this draft Regulation to come into force on the same date as the draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, to ensure that the provisions of both Regulations and the systems to which they apply are consistent.

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

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to Gitane Boivin, directrice, Direction des matières résiduelles du ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: RRVPE@environnement.gouv.qc.ca.

Benoit Charette
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 1, 2, 6 and 7, and s. 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, ss. 30 and 45)

1. The Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended in section 2

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

"Every enterprise that owns or, as the case may be, uses a name or brand and that has its domicile or an establishment in Québec, is required to recover and reclaim, as a measure under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), by means of a recovery and reclamation program developed in accordance with section 5, any new product to which this Regulation applies that is marketed in Québec under that name or brand and is returned to one of its drop-off centres, or for which it provides a collection service.".

(2) in the second paragraph

(*a*) by inserting "name or" after "one";

(*b*) by striking out ", name or distinguishing guise";

(*c*) by replacing "design" by "manufacture";

(3) in the third paragraph

(*a*) by replacing "that acts as the first supplier in Québec" in the part preceding subparagraph 1 by "that has its domicile or an establishment in Québec and that acts as the first supplier in Québec, excluding the manufacturer,";

(*b*) by replacing "referred to in the first or second paragraph" in subparagraph 1 by "that owns or uses the name or brand";

(*c*) by replacing subparagraph 2 by the following:

"(2) the product is marketed with no name or brand.".

(4) by striking out the fourth, fifth and sixth paragraphs.

2. The following is inserted after section 2:

"**2.1.** Where a new product covered by this Regulation is acquired outside Québec in the course of a sale governed by the laws of Québec by a person that has its domicile or an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracting by public bodies (chapter C-65.1) for that enterprise's, that person's, that municipality's or that public body's own use, the obligations provided for in the first paragraph of section 2 fall

(1) on the enterprise that operates a transactional website, by means of which the product was acquired, enabling an enterprise that has no domicile or establishment in Québec to market a product in Québec;

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

"**2.2.** Where enterprises referred to in section 2 or 2.1 do business under the same banner, whether pursuant to a franchise contract or another form of affiliation, the obligations set out in the first paragraph of section 2 apply to the owner of the banner if that owner has a domicile or establishment in Québec.

"**2.3.** Sections 2 to 2.2 do not apply to an enterprise that is a "small supplier" within the means of the Act respecting the Québec sales tax (chapter T-0.1).".

3. Section 4.1 is amended

(1) by replacing "recover and reclaim, by means of a recovery and reclamation program developed in accordance with section 5, a product covered by this Regulation that is marketed by an enterprise referred to in section 2 or 3 that is a member of it" in the first paragraph by "assume the obligations that fall on them pursuant section 2, 2.1 or 3";

(2) by inserting ", 2.1, 2.2," after "section 2" in the third paragraph.

4. The following is inserted after section 4.4:

"**4.5.** The organization referred to in section 4 must take steps to discuss, with any management body designated pursuant to the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) or the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01) and with any organization referred to in subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), ways to optimize the use of their resources.".

5. Section 5 is amended

(1) in the first paragraph

(*a*) by replacing subparagraph 6 by the following:

"(6) provide for drop-off centres and, if applicable, collection services in accordance with Chapter V and, in the case of a product covered by

(*a*) Division 6 of Chapter VI, in accordance with section 53.0.4;

(*b*) Division 7 of Chapter VI, in accordance with sections 53.0.12 and 53.0.13;

(*c*) Division 8 of Chapter VI, in accordance with section 53.0.21;

(*d*) Division 9 of Chapter VI, in accordance with section 53.0.31;";

(*b*) by replacing "each year" in the part preceding subparagraph *a* of subparagraph 8.1 by "not later than 30 September each year for the preceding calendar year";

(*c*) by inserting ", 2.1, 2.2" after "section 2" in subparagraph 11;

(2) by replacing "and referred to in subparagraphs 3, 8 and 9 of the second paragraph must be" in the second paragraph by "must be discussed with the authorities responsible for the administration of the territory and".

6. Section 6 is amended

(1) by inserting ", 2.1, 2.2" after "section 2" in the first paragraph;

(2) in the French text, by inserting "de" after "sous-catégorie" in subparagraph 8 of the second paragraph.

7. Section 7 is amended :

(1) by replacing "must be internalized in the price asked for the product as soon as it" in the first paragraph by ", if they included in whole or in part in the sale price of the project, must be internalized in the sale price as soon as the product";

(2) by replacing "section 2 or 3 that markets the product; in such case that information must be disclosed" in the second paragraph by "section 2, 2.1, 2.2 or 3 that markets the product; in such case that information must be made visible by the enterprise";

(3) in the third paragraph

(*a*) by inserting "referred to in section 2, 2.1, 2.2 or 3" after "enterprise";

(*b*) by replacing "a product, indicate to the purchaser" by "the product, indicate to the purchaser, by way of a mention, that the amount is used to ensure the recovery and reclamation of the product and include";

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

"If an enterprise referred to in section 2, 2.1, 2.2 or 3 producer makes internalized costs visible, any person who offers for sale, sells, distributes to a user or final consumer or otherwise makes available the product to which the costs apply may also, without being required to do so, make the amounts visible. The person must, in such a case, include a mention for the same purpose as in the third paragraph and the same internet address.".

8. Section 9 is amended

(1) in the first paragraph

(*a*) by inserting ", 2.1, 2.2" after "section 2" in the part preceding subparagraph 1;

(*b*) by inserting ", 2.1, 2.2" after "section 2" in subparagraph 2.2;

(*c*) by inserting the following after subparagraph 14:

"(15) a description of the steps taken pursuant to section 4.5 during the year covered by the report, as well as the means considered, agreed on and implemented with the organizations with which the discussions were conducted to optimize the use of their resources.";

(2) by replacing "expert third person holding a permit to practise public accountancy issued by a professional order, who gives his or her opinion on the information's reliability" in the third paragraph by "a chartered professional accountant authorized by the professional order to which the accountant belongs to perform an audit engagement. It may also be audited by any other person legally authorized to perform such an activity in Québec";

(3) in the French text, by replacing "réalisée" in the part of the fourth paragraph preceding subparagraph 1 by "réalisé";

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

"A person engaged to perform the audit referred to in the third or fourth paragraph must not be employed by the organization, the enterprise, its service suppliers or its subcontractors.".

9. Section 14 is amended

(1) in the first paragraph

(*a*) by inserting ", 2.1, 2.2" after "section 2";

(*b*) by replacing "or under" by "or, as the case may be, under both paragraphs and, where applicable,";

(2) in the third paragraph :

(*a*) by replacing subparagraph 1 by the following:

"(1) make it possible to attain, not later than the end of the two years following the year during which the plan was submitted, the rates prescribed in Chapter VI for the second of those years;".

(*b*) by adding ", the result of the multiplication being then multiplied by 3 to obtain the minimum total amount of the expenditures" at the end of subparagraph 2.

10. The following is inserted after section 14:

"**14.1.** When two or more rates prescribed pursuant to Chapter VI have not been attained during a year for various subcategories of products, a single remedial plan covering all the rates may be submitted, detailing for each rate the measures that will be implemented to attain them, unless a remedial plan has already been submitted and is still in effect.

"**14.2.** Every change to a remedial plan must be submitted to the Minister within 30 days of being made.

"**14.3.** If, before the expiry of a remedial plan, a rate attained for the year during which the plan was submitted or the year following is below the rate attained that led to the sending of the plan, extra financing must be added to the financing initially provided for in the plan. The extra financing is calculated using the equation in subparagraph 2 of the third paragraph of section 14, adapted to ensure that the rate to be attained in the formula is the rate for the year during which the plan was submitted or the year following, applying until the expiry of the plan.

If, before the expiry of a remedial plan, a rate prescribed for the year during which the plan was submitted or the year following is attained, the enterprise referred to in section 2, 2.1, 2.2 or 3 or, as the case may be, the organization referred to in section 4 may cease to implement the measures in the plan with respect to that rate and the associated financing.

On the expiry of a remedial plan, if the enterprise referred to in section 2, 2.1, 2.2 or 3 or, as the case may be, the organization referred to in section 4 has disbursed only part of the amount provided to finance the measures in the plan and if the rate or rates prescribed for the second year have not been attained, it must add to the amounts provided for the financing of the measures in the next plan an amount equivalent to the amount that has not been disbursed.

"**14.4.** Until the expiry of a remedial plan, if the enterprise referred to in section 2, 2.1, 2.2 or 3 or, as the case may be, the organization referred to in section 4 may use any amount that it must commit to finance the expenditures referred to in subparagraph 2 of the third paragraph of section 14 at a time of its own choosing.".

11. Section 21 is amended

(1) by replacing "sections 16, 17, 53.0.4, 53.0.12 and 53.0.21" by "Chapters V and VI";

(2) by replacing "sections 19 and 20" by "those chapters".

12. Section 22 is amended

(1) by replacing "activity trackers" in subparagraph 5 of the second paragraph by "physical activity trackers, smart watches,";

(2) by replacing "telephone function" in the third paragraph "function allowing it to be used as a telephone, and whose dimensions are similar to those of a cellphone,".

13. Section 29 is amended by striking out "listed therein" in the part of the first paragraph preceding subparagraph 1.

14. Section 43 is amended, in the French text, by inserting "de" in the second paragraph after "sous-catégorie".

15. Section 46 is amended in the first paragraph

(1) by inserting ", 2.1, 2.2" after "section 2" in the part preceding subparagraph 1;

(2) by replacing "2024" in subparagraph 1 by "2026".

16. Section 52 is amended in the first paragraph

(1) by inserting ", 2.1, 2.2" after "section 2" in the part preceding subparagraph 1;

(2) replacing "2024" in subparagraph 1 by "2026".

17. Section 53.0.1 is amended in the second paragraph

(1) by replacing "300" by "400";

(2) by replacing "Refrigerators and freezers" by "Refrigeration and freezing appliances".

18. Section 53.0.3 is amended

(1) by replacing "section 2 or 8 that markets, acquires or manufactures" in subparagraph 1 of the first paragraph by "section 2, 2.1 or 8 that markets or acquires";

(2) in the second paragraph

(*a*) by replacing "section 2 or 8 that markets, acquires or manufactures" by "section 2, 2.1 or 8 that markets or acquires";

(*b*) by replacing "cooking, conservation or storage" by "the cooking, conservation or storage of food or drink".

19. Section 53.0.4 is amended

(1) by inserting ", 2.1, 2.2" after "section 2" in the first paragraph;

(2) in the third paragraph

(*a*) by inserting ", 2.1, 2.2" after "section 2";

(*b*) by inserting ", not later than the second full calendar of the program's implementation and" after "provide";

(3) by inserting ", 2.1 or 2.2" after "section 2" in the fourth paragraph.

20. Section 53.0.8 is amended

(1) in subparagraph 2

(*a*) in the French text, by replacing "culture" in subparagraph 2 by "culture,";

(*b*) by adding "and that are designed and intended for non-household purposes" at the end;

(2) in subparagraph 3

(*a*) in the French text, by replacing "sols et les" in subparagraph 3 by "sols, ainsi que les";

(*b*) by adding "and that are designed and intended for non-household purposes" at the end;

(3) by inserting "designed and" after "pesticides" in subparagraph 7;

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

"The products referred to in subparagraphs 1 and 4 to 6 of the first paragraph are those designed and intended for agricultural purposes. In addition, the agricultural products referred to in this Division that are designed and intended for agricultural purposes do not include those intended for household purposes.".

21. Section 53.0.21 is amended

(1) by inserting ", 2.1 or 2.2" after "section 2";

(2) by inserting ", not later than the second full calendar year of program implementation," after "set up".

22. Section 53.0.24 is amended in the first paragraph

(1) in subparagraph 1

(*a*) by striking out ", marketed or otherwise distributed in a community pharmacy or veterinary clinic";

(*b*) in the French text, by replacing "compagnies" in subparagraph *a* by "compagnie";

(*c*) in the French text, by replacing "compagnies" in subparagraph *b* by "compagnie";

(2) by replacing subparagraphs 2 and 3 by the following:

"(2) natural health products within the meaning of the Natural Health Products Regulations (SOR/2003-196); when the products are designed and intended for animals, only products designed and intended for companion animals within the meaning of the Animal Welfare and Safety Act (chapter B-3.1) are included;

"(3) cutting or sharp objects designed to perforate the skin and used for medical purposes, including everything designed to be attached to and be in contact with a product referred to in subparagraph 1; when the objects are designed and intended for animals, only objects designed and intended for companion animals within the meaning of the Animal Welfare and Safety Act (chapter B-3.1) are included.".

23. Section 53.0.26 is amended

(1) by replacing "section 2 that markets, acquires or manufactures" by "section 2, 2.1 or 2.2 that markets or acquires";

(2) by replacing ", acquisition or manufacture" by "or acquisition".

24. Section 53.0.31 is amended

(1) in the first paragraph

(*a*) by inserting ", 2.1 or 2.2" after "section 2" in the part preceding subparagraph 1;

(*b*) by replacing "other business establishments" in subparagraph 1 by "community pharmacies or, if there are no community pharmacies in a regional municipality or territory, 100% of the dispensaries";

(*c*) in the French text, by replacing "récupérés;" in subparagraph 2 by "récupérés.";

(2) by striking out the second paragraph.

25. Section 53.1 is amended

(1) by replacing paragraphs 0.1, 0.2 and 0.3 by the following:

"(0.1) to take the steps referred to in section 4.5;".

(2) by striking out paragraphs 3 to 8;

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

"(13) to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.".

26. Section 53.2 is amended by striking out paragraph 1.

27. Section 53.3 is amended

(1) by inserting the following after paragraph 1:

"(1.0.1) to submit the report referred to in the first paragraph of section 9, to include the information referred to in the second paragraph of that section, to have the information referred to in the third paragraph of that section audited or to have it audited by a person referred to in that paragraph, to submit the report or information within the time and on the conditions provided for in that section, or to comply with the last paragraph of that section";

(2) by striking out paragraphs 2 to 8.

28. Section 53.4 is replaced by the following:

"**53.4.** A monetary administrative penalty of $1,000 in the case of a natural person or $5,000 in other cases may be imposed on any person who fails

(1) to provide the information referred to in section 4.3 to another organization;

(2) to provide the information and documents referred to in section 4.4 to an organization referred to in section 4 of which it is a member or to provide them within the prescribed time;

(3) to submit to the Minister the information and documents listed in section 6.1 or to submit them within the prescribed time;

(4) to comply with the requirements of section 7;

(5) to comply with the prohibition in section 8.1 concerning the treatment of products to which this Regulation applies;

(6) to record in a register the information referred to in the first paragraph of section 12, to provide the Minister with a copy on request in accordance with that paragraph, or to keep the information during the period prescribed by the second paragraph of the section;

(7) to make the payment to the Fund for the Protection of the Environment and the Waters in the Domain of the State required under the fourth paragraph of section 14 and at the frequency and in the manner provided for in the fifth paragraph of section 14;

(8) to comply with the requirements of section 16, 17, 53.0.4, 53.0.12, 53.0.13 or 53.0.21 or the first paragraph of section 53.0.31;

(9) to establish a drop-off centre on the conditions provided for in the first paragraph of section 18;

(10) to comply with the conditions relating to drop-off centres or collection services for an industrial, commercial or institutional clientele provided for in the first paragraph of section 19;

(11) to offer a complementary collection service in the case and on the conditions provided for in the second paragraph of section 19;

(12) to offer access to and the deposit of products at the drop-off centres and the collection services free of charge as prescribed by section 21 or the second paragraph of section 53.0.31.

"**53.5.** A monetary administrative penalty of $2,000 in the case of a natural person or $1,000 in other cases may be imposed on any person who fails

(1) to comply with the requirements provided for in section 2, 3, 4.1, 4.2 or 5, the first or second paragraph of section 8, section 58 or section 59;

(2) to implement its recovery and reclamation program or to implement it within the period prescribed by section 24, 31, 37, 44, 50, 53.0.3, 53.0.10, 53.0.19 or 53.0.26.".

29. Section 54 is amended

(1) by replacing "4.3, 4.4, 6, 6.1 or 7" by "4.5 or 6";

(2) by replacing ", 11 or 12" by "or 11".

30. Sections 55, 56, 56.1 and 56.2 are replaced by the following:

"**55.** Every person who

(1) fails to provide the information referred to in section 4.3,

(2) fails to provide the information and documents referred to in section 4.4 to an organization referred to in section 4 or to provide them within the prescribed time,

(3) fails to submit to the Minister the information and documents listed in section 6.1 or to submit them within the prescribed time,

(4) fails to comply with the conditions set out in section 7,

(5) fails to comply with the prohibition in section 8.1,

(6) fails to record in a register the information referred to in the first paragraph of section 12, to provide the Minister with a copy on request in accordance with that paragraph, or to keep the information during the period prescribed by the second paragraph of the section,

(7) fails to make the payment to the Fund for the Protection of the Environment and the Waters in the Domain of the State required under the fourth paragraph of section 14 and at the frequency and in the manner provided for in the fifth paragraph of section 14,

(8) fails to comply with the requirements of section 16, 17, 53.0.4, 53.0.12, 53.0.13 or 53.0.21 or the first paragraph of section 53.0.31,

(9) fails to establish a drop-off centre on the conditions provided for in the first paragraph of section 18,

(10) fails to comply with the conditions relating to drop-off centres or collection services for an industrial, commercial or institutional clientele provided for in the first paragraph of section 19,

(11) fails to offer a complementary collection service in the case and on the conditions provided for in the second paragraph of section 19,

(12) fails to offer access to and the deposit of products at the drop-off centres and the collection services free of charge as prescribed by section 21 or the second paragraph of section 53.0.31,

(13) pursuant to this Regulation, makes a declaration, communicates information or files a document that is false or misleading, commits an offence and is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, in other cases, to a fine of $15,000 to $3,000,000.

"**56.** Every person who

(1) fails to comply with the requirements of section 2, 2.1, 2.2, 3, 4.1, 4.2 or 5, the first or second paragraph of section 8, or section 58 or 59,

(2) fails to implement a recovery and reclamation program within the time prescribed by section 24, 31, 37, 44, 50, 53.0.3, 53.0.10, 53.0.19 or 53.0.26, commits an offence and is liable, in the case of a natural person, to a fine of $10,000 to $1,000,000 or, in other cases, to a fine of $30,000 to $6,000,000.".

31. The Regulation is amended

(1) by replacing "section 2 or", wherever it occurs in section 10, 13, 16, 17, 20 or 24, the second paragraph of section 26 or section 32, 33, 37, 44, 53.0.10, 53.0.19, 53.0.20 or 59.1by "section 2, 2.1, 2.2 or";

(2) by replacing "section 2," wherever it occurs in section 4, 12, 31 or 50 by "section 2, 2.1, 2.2,";

(3) by inserting ", 2.1 or 2.2" after "section 2" wherever it occurs in section 25, the first paragraph of section 26, or section 27, 38, 39, 53.0.6, 53.0.12, 53.0.14, 53.0.22, 53.0.28 or 53.0.30.

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

106389

Draft Regulation

Building Act
(chapter B-1.1)

Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs
(2019, chapter 28)

Residential building inspectors for inspections in the context of a real estate transaction

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the regulation of residential building inspectors for inspections in the context of a real estate transaction, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation regulates the office of residential building inspector for inspections carried out in the context of a real estate transaction. It provides that natural persons who hold that office for an inspection covered by BNQ Standard 3009-500, Residential Building – Inspection Practices in a Real Estate Transaction Context, published by the Bureau de normalisation du Québec, must hold a certificate issued by the Régie du bâtiment du Québec.

The draft Regulation sets out the classes of certificates and the terms and conditions for the issue, amendment and renewal of a certificate. It also sets out the obligations of residential building inspectors who hold a certificate, in particular, complying with the standard published by the Bureau de normalisation du Québec, entering into a written service contract containing certain elements and conforming to the rules on continuing education, ethics and conflict of interest.

The draft Regulation should result in implementation costs of $3,065,828 and recurring annual costs of $723,726 for enterprises.

Further information on the draft Regulation may be obtained by contacting Mustapha Cherifi, process manager and person responsible for mandates, Régie du bâtiment du Québec, 255, boulevard Crémazie Est, rez-de-chaussée, Montréal (Québec) H2M 1L5; telephone: 514 864-8776; email: mustapha.cherifi@rbq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Caroline Hardy, Secretary General and Director of Institutional Affairs, Régie du bâtiment du Québec, 800, place D'Youville, 16e étage, Québec (Québec) G1R 5S3; email: projet.reglement.commentaires@rbq.gouv.qc.ca.

Jean Boulet
Minister of Labour

Regulation respecting the regulation of residential building inspectors for inspections in the context of a real estate transaction

Building Act
(chapter B-1.1, s. 185, pars. 9.2, 19.8, 19.9, 20, 37 and 38, and s. 192)

Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs
(2019, chapter 28, s. 25, par. 9)

CHAPTER I
PRELIMINARY

1. In this Regulation, "BNQ Standard 3009-500" means Standard BNQ 3009-500, Residential Building — Inspection Practices in a Real Estate Transaction Context, published by the Bureau de normalisation du Québec, including any subsequent amendments made to that edition.

Despite the foregoing, the amendments and editions published after (*insert the date of coming into force of this Regulation*) apply only from the last day of the sixth month following the date of publication of the French and English versions of the texts. Where those versions are not published at the same time, the time limit runs from the date of publication of the last version.

2. In this Regulation, unless the context indicates otherwise,

"client" means a person who entrusts a residential building inspector with an inspection covered by BNQ Standard 3009-500. A client is an applicant within the meaning of that standard; (*client*)

"real estate transaction" means any transfer of ownership of a residential building or of a private portion of such a building; (*transaction immobilière*)

"residential building" means the term defined in BNQ Standard 3009-500; (*bâtiment d'habitation*)

"residential building inspector" means a natural person who carries out any of the activities required for an inspection covered by BNQ Standard 3009-500. (*inspecteur en bâtiment d'habitation*)

CHAPTER II
RESIDENTIAL BUILDING INSPECTOR CERTIFICATE

DIVISION I
CLASSES OF CERTIFICATE

3. A natural person acting as a residential building inspector for an inspection covered by BNQ Standard 3009-500 must hold a residential building inspector certificate with the appropriate class issued by the Régie du bâtiment du Québec.

The requirement provided for in the first paragraph applies for the carrying out of any of the activities required for an inspection covered by that standard, whether the natural person performs the duties as part of a sole proprietorship or for a partnership or legal person, and the person acts as an employee or otherwise.

4. A certificate may be a class 1 or class 2.

A class 1 certificate allows its holder to perform the duties of a residential building inspector in respect of category 1 residential buildings within the meaning of BNQ Standard 3009-500. A class 1 certificate also allows its holder to perform those duties for any private portion of a residential building in divided co-ownership, regardless of the category of that building within the meaning of the standard.

A class 2 certificate allows its holder to act as a residential building inspector in respect of any residential building.

DIVISION II
TERMS AND CONDITIONS FOR ISSUE, AMENDMENT AND RENEWAL

5. The following conditions must be met for a residential building inspector certificate to be issued to a natural person:

(1) in the case of a class 1 certificate, the person successfully completed an attestation of college studies program in residential building inspection based on the learning of any edition of BNQ Standard 3009-500, of a minimum duration of 600 hours and including a theoretical and a practical component;

(2) in the case of a class 2 certificate, the person meets the condition provided for in subparagraph 1, and also has 2 years of experience in the inspection of residential buildings after obtaining a class 1 certificate and successfully completed an attestation of college studies program specialized in large building inspections based on the learning of any edition of BNQ Standard 3009-500, of a minimum duration of 180 hours and including a theoretical and a practical component;

(3) the person is covered for the period of validity of the certificate, and specifically for the duties of residential building inspector, by a general liability insurance contract and an errors and omissions professional liability insurance contract, each including a minimum insurance coverage of $1,000,000 per claim in the case of a class 1 certificate and $2,000,000 per claim in the case of a class 2 certificate, and stipulating, where a maximum annual coverage is indicated, that the coverage is equal to or greater than those amounts;

(4) the person files with the Board an application meeting the requirements provided for in section 7.

Subparagraph 1 of the first paragraph does not apply to a natural person who has held a class 1 residential building inspector certificate, and subparagraph 2 of the first paragraph does not apply to a natural person who has held a class 2 certificate. Where the application for the issue of a certificate is made within 2 years or more after the end of the validity of the preceding certificate, that natural person must, however, pass an examination of the Board on the rules applicable to the inspection of residential buildings and, if that person is applying for a class 2 certificate, a second examination of the Board on the rules specific to class 2 residential buildings within the meaning of BNQ Standard 3009-500.

Subparagraphs 1 and 2 of the first paragraph do not apply to a natural person who holds an accreditation issued by another Canadian province or by a Canadian territory, authorizing the person to act as residential building inspector. That person must, however, successfully complete the examination or examinations provided for in the second paragraph, according to the certificate class being applied for.

Each insurance contract provided for in subparagraph 3 of the first paragraph must include a clause under which the insurer may not terminate or amend the contract before the end of the period initially provided for its validity, unless the insurer notifies the Board in writing at least 60 days in advance of its intention. It must also provide that the costs, expenses and interest referred to in the second paragraph of article 2503 of the Civil Code are borne by the insurer.

6. A natural person who fails an examination provided for in the second paragraph of section 5 may register for only one supplemental examination within 30 days following the date of the prior notice referred to in section 128.5 of the Building Act (chapter B-1.1), by which the Board informs the person of its intention to refuse, by reason of that failure, the person's application for a certificate.

A person who fails a supplemental examination or who does not register for a supplemental examination within the period provided for in the first paragraph, and who files a new application for a certificate, may not sit for an examination provided for in the second paragraph of section 5 for a period of 3 months following the date of the Board's decision to refuse to issue the person a certificate or, in the absence of a decision, following the date of the rejection of the application.

7. A natural person who applies for the issue, renewal or amendment of a residential building inspector certificate must provide the Board, using the form prescribed and made public by the Board on its website, the following information and documents:

Contact and basic information

(1) name, date of birth and personal contact information, namely, the domicile address, telephone number and email address, and the contact information of any establishment where the person intends to carry on the functions of residential building inspector, namely, the address, telephone number and email address that will be used as part of those functions;

(2) if the person is or has been in the 5 years preceding the application a member of a professional order constituted in accordance with the Professional Code (chapter C-26), the name of the order and the person's membership number;

(3) the class of the certificate the person wishes to obtain;

Professional qualification and continuing education

(4) any of the following documents demonstrating the person's professional qualification:

(*a*) for a class 1 certificate, a copy of an attestation of college studies issued by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1), confirming the successful completion of the program referred to in subparagraph 1 of the first paragraph of section 5, or, if the document has not yet been issued, a college studies record indicating that the program is completed and the certification obtained is an attestation of college studies;

(*b*) for a class 2 certificate, a copy of any of the documents referred to in subparagraph *a*, as the case may be, and a copy of an attestation of specialized college studies in large building inspections issued by a college or an educational institution referred to in subparagraph *a*, confirming the successful completion of the program referred to in subparagraph 2 of the first paragraph of section 5, or, if that document has not yet been issued, a college studies record indicating that the program is completed and the certification obtained is an attestation of specialized college studies;

(5) for an application for the issue of a certificate made within less than 2 years after the end of the validity of the preceding certificate, a copy of the continuing education certificates demonstrating that the applicant has completed the number of hours of continuing education provided for in Division IV of Chapter III of this Regulation that would have applied if the certificate had remained in force and, in the case of a partial or total exemption of the continuing education requirement for a reason provided for in section 33, one of the documents provided for in the first paragraph of that section, as the case may be;

Financial guarantees

(6) a certificate signed by an insurer authorized to carry on insurer activities in Québec or by the insurer's authorized broker, indicating that the person is covered by a general liability insurance contract and an errors and omissions professional liability insurance contract required under subparagraph 3 of the first paragraph of section 5, which includes the following elements:

(*a*) the insurance certificate number and the date of issue;

(*b*) the name and residential address of the natural person covered by the insurance contracts, the policy numbers of the contracts and their period of validity;

(*c*) a confirmation that the insurance coverage is specifically for the functions of residential building inspector of the natural person, and the coverage period;

(*d*) the amount of the insurance coverage per claim and the amount of the maximum annual coverage;

Convictions

(7) a declaration indicating whether the person has been convicted, in Canada or elsewhere, in the 5 years preceding the application, of an offence under a fiscal law or an indictable offence, or proof of pardon, if applicable;

(8) a declaration indicating whether the person has been convicted of an offence under the Consumer Protection Act (chapter P-40.1);

Recognition and certification

(9) a recognition that the person must comply with the requirements set out in BNQ Standard 3009-500 when acting as residential building inspector;

(10) a certification that the information and documents provided under this section are true.

Despite the first paragraph, when applying for the amendment or renewal of a certificate, the information or document referred to in subparagraphs 1 to 5 of the first paragraph that has already been provided to the Board need not be sent again if the natural person filing the application certifies that the information or document is still accurate.

Subparagraphs *a* and *b* of subparagraph 4 of the first paragraph do not apply to a natural person who holds an accreditation issued in another Canadian province or in a Canadian territory, authorizing the person to act as residential building inspector. The person must, however, provide a copy of the accreditation, and successfully complete the examination or examinations provided for in the second paragraph of section 5;

8. An application for the issue, amendment or renewal of a certificate is deemed received only if it is signed, contains all the information and documents required under section 7 and is accompanied by the fees and charges payable provided for in section 10.

9. The holder of a certificate who applies for its renewal must send to the Board, before the end of the validity period of the certificate provided for in section 14, an application for renewal containing all the information and documents required under section 7 accompanied by the fees and charges payable provided for in section 10. The application may be sent by any means providing the holder who is applying with proof of receipt by the Board.

Where the Board receives within the period provided for in the first paragraph an application for renewal complying with all the requirements set out in that paragraph, the certificate remains valid until the ruling of the Board on the application for renewal.

DIVISION III
FEES AND CHARGES

10. The fees and charges payable for the issue, amendment or renewal of a certificate are the following:

TYPE OF APPLICATION	FEES	CHARGES
(1) application for the issue of a class 1 certificate	$410	$490
(2) application for the issue of a class 2 certificate	$615	$490
(3) application for the amendment of a class 1 certificate, to provide, by replacement, for the class 2	$205	$48
(4) application for the amendment of a class 2 certificate, to provide, by replacement, for the class 1	Reimbursement up to the amount of the fees provided for in subparagraph 3, in proportion to the number of months to elapse between the date of the amendment and the date of the end of the validity period of the certificate	$48
(5) supplemental examination provided for in the first paragraph of section 6		$98 per examination
(6) application for the renewal of a class 1 certificate, without amendment to the class	$410	$194
(7) application for the renewal of a class 1 certificate, with an application to provide, by replacement, for the class 2	$615	$194

TYPE OF APPLICATION	FEES	CHARGES
(8) application for the renewal of a class 2 certificate, without amendment to the class	$615	$194
(9) application for the renewal of a class 2 certificate, with an application to provide, by replacement, for the class 1	$410	$194
(10) application for the review of a ruling of the Board on the issue, amendment, renewal, suspension or cancellation of a certificate	$377	

Despite the first paragraph, the fees payable are established in proportion to the number of months for which the certificate is valid where the certificate is amended for a period of less than 1 year. A part of a month is considered a full month.

11. The charges payable under subparagraphs 1 to 4 of the first paragraph of section 10 are doubled if priority processing is requested.

Where an application may not be processed within 30 days, the Board reimburses the difference between the charges provided for in section 10 and those provided for in the first paragraph.

12. The fees payable under section 10 are reimbursed if the Board refuses to issue, amend or renew a certificate. They are not reimbursed if the certificate is suspended or cancelled by the Board or if the holder relinquishes the certificate.

13. The charges payable under the first paragraph of section 10 are reimbursed by the Board when the Board allows an application for a review of a ruling.

DIVISION IV
TERM, CONTENT AND OWNERSHIP OF A CERTIFICATE

14. A certificate is valid for a period of 1 year, subject to the provisions of the second paragraph of section 9.

15. The certificate includes the name and contact information of the holder, and the certificate number, including the class number.

In addition, it states the date of issue of the certificate and the date on which it must be renewed annually, and contains a two-dimensional barcode that can be used to verify its tenor and validity with a mobile device.

It also includes the signature of the president and chief executive officer or a vice-president and that of the secretary of the Board.

16. The Board retains ownership of the certificate.

The holder of the certificate may not transfer the certificate.

The holder of the certificate, when no longer entitled to the certificate, must return it immediately to the Board. The same applies when an amendment must be indicated on a certificate. If the holder fails to return the certificate, the Board may confiscate it.

CHAPTER III
OBLIGATIONS OF THE HOLDER OF A CERTIFICATE

DIVISION I
STANDARD OF PRACTICE

17. The holder of a certificate must comply with the requirements set out in BNQ Standard 3009-500 at each step of an inspection covered by the standard.

DIVISION II
ETHICS AND CONFLICT OF INTEREST

18. The holder of a certificate must act with honesty and loyalty in the interest of the client and avoid placing himself or herself in a position where personal interest is in conflict with that of the client.

Without restricting the generality of the preceding paragraph, the holder of a certificate is in conflict of interest when the interests concerned are such as might lead the holder to favour certain of them over those of the client or the holder's judgment or loyalty toward the latter may be affected.

As soon as the holder ascertains that he or she is in a situation of apparent conflict of interest, the holder must notify the client in writing and ask the client if the client allows the holder to act or continue to act. The holder may not carry out an inspection without that written disclosure and without the client's written consent.

19. The holder of a certificate who, in the scope of an inspection, recommends that the client obtain a technical expertise within the meaning of BNQ Standard 3009-500 must guide the client regarding the qualifications required to perform such an expertise. The holder of a certificate may not recommend to the client a particular enterprise. However, if the holder has the required qualifications, the

holder may offer the client to perform such an expertise, provided the holder complies with the requirements provided for in section 20.

20. The holder of a certificate who undertakes to perform for a client, in addition to an inspection covered by BNQ Standard 3009-500, a supplementary service within the meaning of the standard must enter into a written contract with the client that is separate from the service contract relating to the inspection.

21. The holder of a certificate must, prior to entering into a contract relating to the inspection of a residential building in divided co-ownership, explain to the client the advantages and, where they are known, the approximate costs of the inspection of the common areas of the building in order to help the client decide whether or not to have those areas inspected.

22. The holder of a certificate may not entrust a contract for the inspection of a residential building to a person who does not hold such a certificate or who holds a certificate that does not have the appropriate class.

23. The holder of a certificate who has entered into a service contract for the inspection of a residential building may obtain the assistance of another certificate holder to conduct certain parts of the inspection. Pursuant to article 2101 of the Civil Code, the performance of the inspection remains under the supervision and responsibility of the holder of the certificate, who must take active part in the inspection and sign the inspection report.

DIVISION III
SERVICE CONTRACT RELATING TO THE INSPECTION

24. The holder of a certificate who undertakes to perform an inspection covered by BNQ Standard 3009-500 must enter into a service contract with the client relating to the inspection, evidenced in writing and containing at the least the elements provided for by this Division.

Any stipulation in the contract that is incompatible with this Regulation or, where applicable, the Consumer Protection Act (chapter P-40.1), is absolutely null.

25. The service contract relating to the inspection must include at the least the following elements:

(1) the client's name, address, telephone number and, if applicable, email address;

(2) the name of every residential building inspector who is a party to the contract, the number of the inspector's certificate issued by the Board, the indication "holder of a certificate issued under the Building Act", the address and telephone number of the establishment where the inspector carries on the duties of residential building inspector, and the email address used as part of those functions;

(3) the name and complete contact information of the sole proprietorship, partnership or legal person on whose behalf the client or residential building inspector contracts, if applicable;

(4) for any holder of a certificate who is a party to the service contract, the name of every insurer with which the holder is covered by a general liability insurance contract or by an errors and omissions professional liability insurance contract, provided for in subparagraph 3 of the first paragraph of section 5;

(5) the complete address of the residential building and, where applicable, that of the private portion that is the subject of the inspection, and the name of the owner of the building or of the private portion at the time of the inspection;

(6) the category of residential building being covered by the inspection;

(7) the edition of BNQ Standard 3009-500 that is applicable when the inspection takes place, in accordance with section 1, and an indication recalling the obligation of the holder of the certificate to comply with the requirements set out in that standard at each step of the inspection, including that of signing the inspection report;

(8) if the inspection concerns a residential building in divided co-ownership, an indication of the decision made by the client as to whether or not to inspect the common areas of the building;

(9) an indication stating that the holder of the certificate who obtains the assistance of another certificate holder to conduct certain parts of the inspection retains, pursuant to article 2101 of the Civil Code, the supervision and responsibility of the inspection, must take active part in the inspection and must sign the inspection report.

The contract must also indicate that any holder of a certificate who is a party to the contract and, where applicable, the sole proprietorship, partnership or legal person on whose behalf the holder contracts, are solidarily responsible for the obligations provided for in the contract.

26. The holder of a certificate may not include, in a service contract relating to the inspection, a clause excluding, directly or indirectly, in whole or in part, the civil liability incurred by the holder under the ordinary rules of law.

27. The holder of a certificate must sign the service contract in his or her own name and, where applicable, in the name of any sole proprietorship, partnership or legal person for which the holder carries on the functions of residential building inspector.

28. The holder of a certificate must ensure that the signatures of the parties are affixed at the end of the service contract relating to the inspection, following all the stipulations.

29. The holder of a certificate must send the client a copy of the service contract within 15 days following its signature, in a format that makes it easy to store, reproduce or print.

DIVISION IV
CONTINUING EDUCATION

30. The holder of a certificate must complete 20 hours of continuing education per 2-year reference period.

The training required under the first paragraph must be related to the functions of residential building inspector.

The first reference period of a holder of a certificate begins on the date of issue of the certificate that follows 1 January 2027 or, if the person already holds a certificate on 1 January 2027, on the date of renewal of the certificate that follows 1 January 2027.

31. The holder of a certificate who has met the continuing education requirements for a reference period may postpone a maximum of 4 excess hours of training to the subsequent period of reference.

32. The continuing education requirements provided for in this Division apply despite the suspension of the certificate.

33. The holder of a certificate who maintains the certificate but ceases to carry on the functions of residential building inspector by reason of illness, accident, pregnancy, maternity, paternity or parental leave or to act as caregiver within the meaning of the Act respecting labour standards (chapter N-1.1) is exempted from the requirements to complete continuing education activities, provided the holder provides the Board with one of the following documents showing that the holder is in such a situation:

(1) to be exempted by reason of illness, accident or pregnancy, a doctor's note containing the physician's contact information, attesting to the fact that the holder is in that situation and specifying the period of cessation of the functions of residential building inspector;

(2) to be exempted by reason of maternity, paternity or parental leave, the birth certificate of the child and, in the case of an adoption, any document evidencing the adoption, in particular consent to adoption, an order of placement or an adoption judgment;

(3) to be exempted to act as caregiver within the meaning of the Act respecting labour standards, an attestation from a professional working in the health and social services sector and governed by the Professional Code (chapter C-26) containing the person's contact information.

The exemption is 1 hour of continuing education for each period of 30 consecutive days during which the holder of a certificate ceased to carry on those functions. However, in the case of an exemption for a reason provided for in subparagraph 2 or 3 of the first paragraph, the maximum exemption is 10 hours per reference period.

34. The holder of a certificate is responsible for sending to the Board, using an electronic system implemented by the Board, a declaration of continuing education along with a copy of the attestations of participation or the attestations of successful completion issued by the training providers, not later than 90 days after the end of the reference period. Until the electronic system is implemented, the holder must send the documents to the Board by email or by any appropriate method of transmission and make sure that the documents are received by the Board before the end of that period.

35. The holder of a certificate must keep the attestations of participation and attestations of successful completion for 6 years after the end of the reference period during which the training was completed. The attestations must be available for consultation by the Board.

36. The holder of a certificate who fails to meet the continuing education requirements for a reference period has an additional period of 90 days as of the end of that reference period to remedy the failure.

DIVISION V
NOTICE, COMMUNICATION AND PRESERVATION OF DOCUMENTS

37. The holder of a certificate must notify the Board in writing, as soon as possible, of any change to the information or documents the holder has provided under section 7.

38. The holder of a certificate must indicate in offers and service contracts related to residential building inspection and in inspection reports, the certificate number and the indication "holder of a certificate issued under the Building Act".

39. The holder of a certificate must, on request, identify himself or herself and show the certificate.

40. The holder of a certificate must keep for a minimum period of 6 years all records related to an inspection within the meaning of BNQ Standard 3009-500. At the client's request, the holder must send the client a copy of any document that is part of the client's record.

41. The holder of a certificate may not, unless the holder has received prior written consent from the client, give to a third person a copy of the inspection report or any other document that is part of the record related to the inspection.

The prohibition provided for in the first paragraph does not apply where the report or document is requested by a person acting under the powers to verify, inspect, supervise or inquire assigned to the holder of a certificate under the Act, when requested by a public body in the performance of an adjudicative function, when ordered by a court or when it must be sent to enable the holder to defend against a claim.

CHAPTER IV
OFFENCE

42. Any contravention to any of the provisions of this Regulation, except Division III of Chapter II, pertaining to fees and charges, and those of Division IV of Chapter III, pertaining to continuing education, constitutes an offence.

CHAPTER V
TRANSITIONAL AND FINAL

43. Despite section 3, a natural person may, until (insert the date that occurs 3 years after the date of coming into force of this Regulation), act as a residential building inspector without holding the certificate required by that section.

44. Despite subparagraph a of subparagraph 4 of the first paragraph of section 7, a person who sends to the Board, not later than 60 days before (insert the date that occurs 3 years after the date of coming into force of this Regulation), an application for the issue of a class 1 certificate containing all the other information and documents provided for in that section may show professional qualification by providing

(1) a copy of a college studies record issued by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or issued by a college-level institution referred to in the Act respecting private education (chapter E-9.1) indicating that a college certification program in residential building inspection, entered as of 2020, is completed and the certification obtained is an attestation of college studies; or

(2) certificates of insurance signed by an insurer authorized to carry on insurer activities in Québec or by the insurer's authorized broker, showing that the person was covered for at least 3 years during the 5 years preceding the application by a general liability insurance contract or by an errors and omissions professional liability insurance contract, specifically for the functions of residential building inspector.

The person must also provide a copy of an attestation of successful completion of refresher training for residential building inspectors of a minimum duration of 30 hours, including 20 hours on the requirements of BNQ Standard 3009-500 and the obligations of the holder of a certificate provided for in this Regulation, and 10 hours on writing inspection reports that comply with the Standard, offered by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29), by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1), or by an association of building inspectors having its head office in Québec.

45. Despite subparagraph b of subparagraph 4 of the first paragraph of section 7, a person who sends to the Board, not later than 60 days before (insert the date that occurs 3 years after the date of coming into force of this Regulation), an application for the issue of a class 2 certificate containing all the other information and documents provided for in that section may show professional qualification by providing

(1) a copy of the document provided for in subparagraph 1 of the first paragraph of section 44, accompanied by certificates of insurance signed by an insurer authorized to carry on insurer activities in Québec or by the insurer's authorized broker, showing that the person was covered for at least 2 years, since the successful completion of the program referred to in that subparagraph, by a general liability insurance contract or by an errors and omissions professional liability insurance contract, specifically for the functions of residential building inspector; or

(2) certificates of insurance signed by an insurer authorized to carry on insurer activities in Québec or by the insurer's authorized broker, showing that the person was covered for at least 5 years during the 8 years preceding the application, by a general liability insurance contract or by an errors and omissions professional liability insurance contract, specifically for the functions of residential building inspector.

The person must also provide a copy of an attestation of specialized college studies in large building inspections issued by a college or an educational institution referred to in subparagraph 1 of the first paragraph of section 44, confirming the successful completion of the program referred to in subparagraph 2 of the first paragraph of section 5, as well as a copy of an attestation of successful completion of the refresher training for residential building inspectors provided for in the second paragraph of section 44.

46. This Regulation comes into force on 1 October 2024, except Division IV of Chapter III, which comes into force on 1 January 2027.

106391

Draft Regulation

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6)

System of selective collection of certain residual materials — Amendment

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting a system of selective collection of certain residual materials and others regulations, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The draft Regulation amends some definitions, in particular to ensure concordance, and adds exclusions to the matters to which the Regulation applies.

Changes are made to the provisions concerning the persons required to comply with the obligations of the Regulation.

The draft Regulation adds an obligation, for certain producers, to provide for measures to facilitate the participation of social economy enterprises in order to meet their obligations for the collection and transportation of the residual materials targeted by the Regulation.

Next, the draft Regulation adds cutting-edge technologies to facilitate sorting to the list of measures that producers must include in their system of selective collection to promote the ecodesign of containers, packaging and printed matter and ensure that the residual materials generated by the containers, packaging and printed matter are compatible with the system.

The rules governing the visibility of the costs involved in the recovery and reclamation of the residual materials generated by containers, packaging or printed matter are amended.

The rules applicable to contracts entered into by the designated management body and municipal organizations and Aboriginal communities are specified.

The draft Regulation sets back, until 1 January 2027, the date on which the collection and transportation of residual materials consisting of wood, cork, ceramic, porcelain or textiles must be provided for in certain contracts.

The management of hazardous materials is added to the elements that must be covered in some contracts.

The draft Regulation adds an obligation, when the designation of a management body ends before its scheduled term, to give priority to the designation of a body that files an application to be designated as a management body rather than the body that the Société québécoise de récupération et de recyclage is planning to designate, if it meets the applicable conditions set out in the Regulation.

Some of the requirements on the governance of the designated management body are amended.

The draft Regulation restricts the types of residual materials that are calculated in order to determine the amount that the designated management body must pay each year to the Minister of Finance.

The obligations imposed on the designated management body with respect to remedial plan, and the rules for calculating amounts that must be included in the plan, are amended.

The draft Regulation adds rules for the auditing of the information filed by producers, sorting centres and conditioners.

Adjustments are made to harmonize the system of selective collection with the deposit system.

The draft Regulation specifies the obligations governing the publication of the terms and conditions for calculating the contribution producers are required to pay to finance the system of selective collection and adjusts, as a result, the requirements for the annual report that the designated management body must submit.

The date on which institutions, businesses and industries, the owners or managers of multiple-unit residential complexes and the syndicates of immovables under divided co-ownership must participate in the system of selective collection is brought forward.

Last, the draft Regulation modifies the monetary administrative penalties applicable for failures to comply and the penal sanctions applicable for offences under certain provisions.

The draft Regulation will have an impact on the producers targeted by the system of selective collection. They will have to finance the system and the amendments proposed will generate costs in addition to those initially provided for. It will have no impact in terms of regulatory streamlining.

In accordance with section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the period provided for in section 11 of that Act, because the Government is of the opinion that the urgency of the situation requires it as warranted by the following circumstances: the amendments introduced by the draft Regulation must come into force before 7 September 2023, since they change the dates applicable to the negotiation of certain contracts and it is important to ensure concordance with the other dates currently specified in the Regulation.

Further information on the draft Regulation may be obtained by contacting Valérie Lephat, Direction adjointe du 3RV-E, Direction des residual materials du ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: infoconsigne-collecte@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to Gitane Boivin, Director, Direction des matières résiduelles du ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: infoconsigne-collecte@environnement.gouv.qc.ca.

Benoit Charette
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting a system of selective collection of certain residual materials and others regulations

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 6 and 8, s. 53.30.1 and s. 53.30.3)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par. and s. 45, 1st par.)

1. The Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01) is amended in section 2

(1) in the first paragraph

(*a*) in the French text, by inserting "de" after "ainsi que" in the definition of "contenants et emballages";

(*b*) by striking out ", excluding pallets designed to facilitate the handling and transportation of a number of sales units or grouped packagings," in the definition of "containers and packaging",;

(*c*) by replacing "in or outside the premises, with no table service" in the definition of "establishment offering on-site consumption" by "on the premises with no table service";

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

"The following products are excluded from the application of this Regulation:

(1) pallets designed to facilitate the handling and transportation of a number of sales units or grouped packagings;

(2) bags used to administer an intravenous fluid or medication and bags used for tube feeding;

(3) syringes, with or without needles;

(4) pressurized containers holding hazardous materials within the meaning of the Regulation respecting hazardous materials (chapter Q-2, r. 32).".

2. Section 4 is amended by striking out subparagraph 2 of the second paragraph.

3. Section 12 is amended in the first paragraph

(1) by striking out "a person," in subparagraph *a* of subparagraph 1;

(2) by adding the following after subparagraph 6:

"(7) provide for measures to facilitate the participation of social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1) in the collection and transportation of residual materials.".

4. Section 15 is amended

(1) in the first paragraph

(*a*) by inserting "post-consumer" after "recycled" in subparagraph *c* of subparagraph 2;

(*b*) by adding the following after subparagraph *e* of subparagraph 2:

"(*f*) cutting-edge technologies to facilitate sorting;";

(*c*) by replacing "the models" in subparagraph *m* of subparagraph 5 by "all the contract models that the producer may use for that purpose";

(*d*) by striking out "who is not employed by a producer or a designated management body under section 30 and" in subparagraph 8;

(2) by replacing "or to the container, packaging or printed matter, and must be" in the second paragraph by "or only to the container, packaging or printed matter commercialized, marketed or otherwise distributed and, if it is partially included in the sale price of the product, container, packaging or printed matter, must be";

(3) by replacing "disclosed" in the third paragraph by "made visible by the producer";

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

"If a producer makes visible the cost referred to in the third paragraph, any person who offers for sale, sells, distributes to a user or ultimate consumer, or otherwise makes available to them the product, container, packaging, or printed matter with which the cost is associated may also, without being required to do so, make that cost visible.".

5. Section 18 is amended

(1) in the first paragraph

(*a*) in the French text, by replacing "visées" by "visés";

(*b*) by striking out "and in the territory covered by that contract";

(2) by replacing "14" in the second paragraph by "16".

6. Section 19 is amended by striking out "or if the municipal body or Aboriginal community has given the producer written notice that it does not wish to enter into such a contract," in the part of the first paragraph preceding subparagraph 1.

7. Section 20 is amended by striking out the second and third paragraphs.

8. Section 21 is amended in the first paragraph

(1) by striking out "the first paragraph of";

(2) in the French text, by replacing "entreprennent" by "doivent entreprendre".

9. Section 22 is amended in the first paragraph

(1) by replacing "10 months prior to 31 December 2024, despite the mediation process undertaken in accordance with section 21, no other contract referred to in section 20 has been entered into by the producer and the municipal body or Aboriginal community, as the case may be" by "on the expiry of the time limit set in the fourth paragraph of section 21, no contract has been entered into pursuant to section 20";

(2) by replacing "to the municipal body or Aboriginal community" by "to the municipal body or Aboriginal community concerned";

(3) in the French text, by replacing "un montant correspondant à" by "une somme d'un montant correspondant à celui de".

10. The following is inserted after section 22:

"**22.1.** Not later than 18 months prior to the expiry of a contract for the collection and transportation of residual materials to which a municipal body or Aboriginal community is a party and that expires on a date after 31 December 2024 or, if a contract has been entered into pursuant to paragraph 2 of section 20, not later than 18 months before its expiry date, a producer must take steps to enter into a new contract with that municipal body or Aboriginal community or with any other municipal body or Aboriginal community.

Every new contract entered into pursuant to the first paragraph must contain the elements provided for in section 25 and cover, as a minimum, the collection

and transportation of residual materials from residential buildings with less than 9 dwellings to which the contract in effect applies.

"**22.2.** Not later than 12 months prior to the expiry of a contract for the collection and transportation of residual materials to which, on 7 July 2022, a municipal body or Aboriginal community is a party and that expires on a date after 31 December 2024 or, if a contract has been entered into pursuant to paragraph 2 of section 20, not later than 12 months before its expiry date, if the producer and the municipal body or Aboriginal community have not entered into a new contract despite the steps taken pursuant to section 22.1, they may, within 14 days after the beginning of that twelfth month, begin a mediation process to which the provisions of section 21 apply.

"**22.3.** Not later than 10 months prior to the expiry of a contract for the collection and transportation of residual materials to which, on 7 July 2022, a municipal body or Aboriginal community is a party and that expires on a date after 31 December 2024 or, if a contract has been entered into pursuant to paragraph 2 of section 20, not later than 10 months before its expiry date or, if a mediation process has begun, not later than the expiry of that process, if the producer and the municipal body or Aboriginal community have not entered into a new contract despite the steps taken pursuant to section 22.1, the producer must choose to

(1) enter into a new contract with any other person containing the elements provided for in section 25 and covering, as a minimum, the collection and transportation of residual materials beginning on the day following 31 December 2024; or

(2) from the expiry date of the contract for the collection and transportation of residual materials to which, on 7 July 2022, a municipal body or Aboriginal community is a party and that expires on a date after 31 December 2024 or, as the case may be, if a contract has been entered into pursuant to paragraph 2 of section 20, on its expiry date, undertake itself to collect and transport the residual materials covered by the contract.

The provisions of the second and third paragraphs of section 19 apply to the situation referred to in the first paragraph, with the necessary modifications.".

11. Section 23 is amended

(1) in the first paragraph

(*a*) by inserting "in that territory" after "dwellings";

(*b*) in the French text, by replacing "paragraphe" in the first paragraph by "paragraphes";

(2) in the third paragraph

(*a*) by replacing "If" in the paragraph preceding subparagraph 1 by "On the expiry of the time limit provided for in the fifth paragraph of section 18, if";

(*b*) by striking out "despite the mediation process provided for in section 18, or if the municipal body or Aboriginal community has given the producer written notice that it does not wish to enter into such a contract" in the part preceding subparagraph";

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

"In the territory governed by the Kativik Regional Government, the provisions of this section apply only to the obligation set out in subparagraph 1 of the third paragraph of section 12.".

12. The following is inserted after section 23:

"**23.1.** Where, 18 months prior to 1 January 2027, no service to collect and transport residual materials covered by this Regulation is provided in the territory of one or more Northern villages referred to in the third paragraph of section 12, a producer must, not later than the start of that eighteenth month, take steps with the Kativik Regional Government or the Aboriginal community of the northern villages in which the service is not provided, to enter into a contract for, as a minimum, the collection and transportation of residual materials from residential buildings with less than 9 dwellings, on the conditions set out in subparagraphs 1 to 4 of the first paragraph of section 24 with the minimum content set out in section 25.

Where, 12 months prior to 1 January 2027, no contract has been entered into pursuant to the first paragraph by the producer and the Kativik Regional Government or Aboriginal community of the northern village concerned, they may, within 14 days after the time limit, begin a mediation process with a mediator selected from a list of mediators selected pursuant to section 53. The producer and the Kativik Regional Government or, as the case may be, the Aboriginal community must pay the fees, expenses, allowances and indemnities of the mediator entrusted with the dispute jointly and in equal shares.

The provisions of the third, fourth and fifth paragraphs of section 18 apply to the mediation process referred to in the second paragraph, with the necessary modifications.

"**23.2.** Where, 12 months prior to 1 January 2027 or, if a mediation process has begun, on the expiry of the time limit provided for in the fourth paragraph of section 21, no contract referred to in the first paragraph of section 23.1 has

been entered into by the producer and the Kativik Regional Government or the Aboriginal community of the northern village concerned, the producer must choose to

(1) enter into a contract with any other person covering, as a minimum, the elements provided for in the first paragraph of section 25; or

(2) beginning on 1 January 2027, undertake itself to collect and transport the residual materials covered by this Regulation in the territory of the Kativik Regional Government or Aboriginal community.".

13. Section 24 is amended in the first paragraph

(1) by inserting the following after subparagraph iii of subparagraph *b* of subparagraph 1:

"iv. wood, cork, ceramic, porcelain or textiles;";

(2) by inserting the following after subparagraph *b* of subparagraph 1:

"(*c*) residual materials used for industrial purposes;";

(3) by replacing subparagraph 2 by the following:

"(2) not later than 1 January 2027, residual materials, except those used for industrial purposes,

(*a*) consisting of rigid plastic belonging to the polystyrene category or flexible plastic;

(*b*) generated by products used to support or present products at any stage in their movement from the producer to the ultimate user or consumer;

(*c*) generated by containers and packaging composed of wood, cork, ceramic, porcelain or textiles;".

(4) by inserting the following after subparagraph 3:

"(3.1) not later than 7 July 2030, residual materials used for industrial purposes;".

14. The following is inserted after section 24:

"**24.1.** At least 12 months prior to the expiry of a contract entered into pursuant to this Division to which the municipal body or Aboriginal community in whose community residual materials are collected and transported is not a party, the producer who is a party to the contract must send a notice to the municipal body or Aboriginal community, indicating the expiry date of the contract and verifying whether the municipal body or Aboriginal community wishes, from that date, to be a party to a contract of the same type for residential buildings with less than 9 dwellings. The municipal body or Aboriginal community has one month from the date of receipt of the notice to indicate to the producer whether it wishes to enter into such a contract.

If the municipal body or Aboriginal community indicates an interest, the producer must give it priority for entering into a future new contract and take steps to enter into a contract with it for the collection and transportation of residual materials in its territory, within the time and on the terms and conditions provided for in this Division for such a contract.".

15. Section 25 is amended

(1) in the first paragraph

(*a*) by inserting "where the contract is entered into with a municipal body or Aboriginal community," at the beginning of subparagraph 9;

(*b*) by replacing, "the conditions for the awarding of contracts by the municipal body or Aboriginal community" in subparagraph 10 by "where the contract is entered into with a municipal body or Aboriginal community, the conditions for the awarding by it of contracts";

(2) by replacing "section 18 or 19, the second or third paragraph of section 20 or section 23" in the second paragraph by "this Division".

16. Section 27 is amended

(1) in the first paragraph

(*a*) by replacing "enter into all the contracts needed to ensure" by "ensure that";

(*b*) by adding "are carried out with no service interruptions and must enter into all contracts needed for that purpose" at the end;

(2) by replacing "22" in the second paragraph by "22.3".

17. Section 29 is amended in subparagraph 3

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

"(*c.1*) the limiting, removal and management of hazardous materials from within the residual materials covered by the contract that are present in the service provider's facilities;";

(2) by inserting ", in addition to the hazardous materials referred to in subparagraph *c*.1," after "materials" in subparagraph *d*.

18. Sections 32 and 36 are amended, in the French text, by replacing "suivants" wherever it occurs by "suivant".

19. Section 46 is amended by inserting ", sent as soon as possible by the Société," after "notice" in the third paragraph.

20. Section 47 is amended

(1) in the French text, by replacing "désignée" in the first paragraph by "désigné";

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

"The designation of a body whose application was filed pursuant to the first paragraph, which meets the conditions of section 31, and for which the requirements of sections 32 and 33 have been met, must be given priority over the designation of a body pursuant to the first paragraph of section 46.".

21. Section 50 is amended by adding the following at the end:

"(4) a natural person representing a producer on the board of directors is active primarily in Québec.».

22. Section 53 is amended in the second paragraph

(1) by replacing "who are members of" by "chosen by";

(2) by striking out ", chosen by the body".

23. Section 58 is amended

(1) by adding "and, if an audit has been conducted during the year, the audit report on the information referred to in section 86.3" at the end of the first paragraph;

(2) by replacing "an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26)" in the second paragraph by "chartered professional accountant";

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

"The person engaged to perform an audit referred to in the second paragraph may not be employed by the body or by a producer.".

24. Section 59 is amended by adding the following paragraph at the end:

"(18) the results from the audit of the information referred to in the first paragraph of section 86.1.".

25. Section 67 is amended by replacing "during the first year of development of the system of selective collection and at least 3 times per year thereafter" by "each year, beginning in the first year during which the first committee is established."

26. Section 70 is amended by replacing "third" by "quarter".

27. Section 77 is amended by inserting "and those situated in the territory referred to in the third paragraph" after "paragraph" in subparagraph 3.

28. Section 78 is amended by replacing "and 75" by ", 75 and 79".

29. Section 82 is amended

(1) by inserting "prescribed" after "if the";

(2) by replacing "detailing the measures that will be implemented to achieve the rates" in the second paragraph by "covering all those rates and detailing, for each rate, the measures that will be implemented to achieve it, unless a remedial plan that is still in effect has already been submitted for those rates";

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

"Any change to a remedial plan must be submitted to the Société and the Minister within 30 days following the date of the change.".

30. Section 83 is amended

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

"(1) allow, not later than the end of the two years following the year in which the plan was submitted, the rates prescribed for the second of those years to be achieved;";

(2) by replacing "of local market outlets" in subparagraph 1 of the third paragraph by ", in Québec, of markets".

31. Section 84 is replaced by the following:

"**84.** The amount of financing for the measures referred to in the second paragraph of section 83 is calculated for a year using the following equation for each prescribed rate that is not achieved, and the result of the calculation is multiplied by 3 to obtain the total amount of financing:

MFm = Pmm x M

where:

MFm = the amount of the financing for the measures for the year concerned;

Pmm = the weight, in kilograms and by type of material, of the materials of which the containers, packaging and printed matter covered by this Regulation are made that are needed to achieve the prescribed rates for the year concerned;

M = an amount equivalent to the amount that the body required its members to pay during the previous year as a contribution to finance the costs of recovering and reclaiming materials for which the prescribed rate was not achieved.

When neither the recovery rate nor the reclamation rate is achieved, in a given year, for a type of material, the result obtained by adding together the amount for each of the rates used to finance the measures in the remedial plan is multiplied by 0.75.".

32. Section 85 is amended by inserting ", calculated for one year," after "financing" in the first paragraph.

33. Section 86 is amended by adding the following paragraph at the end:

"This section applies only to containers and packaging made of compostable or degradable plastic and to containers and packaging made of fibres, intended for a single use and designed to be used by the ultimate user or consumer to prepare or consume a food product.".

34. The following is inserted after section 86:

"**86.1.** If, on the expiry of a remedial plan, a rate achieved for the year during which the plan was submitted or the year following is below the prescribed rate that led to the submission of the plan, extra financing must be added to the financing initially provided for in the plan. The extra financing is calculated using the equation in the second paragraph of section 115, adapted to ensure that the rate to be achieved under the formula is the rate for the year during which the plan was submitted or the year following and applies until the expiry of the plan.

If, before the expiry of a remedial plan, a rate prescribed for the year during which the plan was submitted or the year following is achieved, the designated management body may cease to implement the measures in the plan with respect to that rate and the associated financing.

On the expiry of a remedial plan, if the designated management body has disbursed only part of the amount provided to finance the measures in the plan and if the rate or rates prescribed for the second year have not been achieved, it must add to the amounts provided for the financing of the measures in the next plan an amount equivalent to the amount that has not been disbursed.

"**86.2.** Until the expiry of a remedial plan, the designated management body may use the financing associated with the plan at the time of its own choosing.".

"§§3.1. Audit of the information provided by producers, sorting centres and conditioners

"**86.3.** The designated management body must, each year, beginning in the first year for which rates are prescribed pursuant to sub-subdivision 2 of subdivision 1 of Division II of Chapter III, arrange an audit, for each member it determines, of the following information provided by the member: the quantity of materials entering into the composition of the containers, packaging and printed matter that the member commercializes, markets or otherwise distributes or uses to commercialize, market or otherwise distribute a product, by weight, type of material, and type of resin when the materials are plastics.

Although the number and selection of the members referred to in the first paragraph is under the responsibility of the designated management body, it must ensure that all the audits conducted annually pursuant to that paragraph cover at least 10 % of the total quantity of materials concerned.

The designated management body must also, between 1 January 2026 and 31 December 2028, and at least every three years thereafter, arrange an audit at least once of the information of the same nature as the information referred to in paragraph 7, subparagraph *f* of paragraph 8 and paragraph 9 of section 59 provided by the sorting centres with which it has entered into a contract pursuant to Division IV and the information of the same nature as the information referred to in subparagraphs *d* to *f* of paragraph 8 of section 59 provided by the conditioners with which it has entered into a contract pursuant to that Division.

An audit referred to in this section must be conducted by a professional referred to in the second paragraph of section 58. The professional may be employed by the person engaging the professional's services.

To allow the designated management body to fulfill its obligations under this section, every member of the designated management body, every sorting centre and every conditioner whose information is audited must, at the request of the professional engaged to conduct the audit, give access to the documents and information the professional considers necessary for the purposes of the audit."

35. Section 88 is amended by adding the following at the end:

"(6) the measures to be implemented to make it possible to share, as far as possible, the premises used for each system and the costs for implementing the systems, and any other measure to optimize the use of their resources.".

36. The following is inserted after section 121:

"**121.1.** The designated management body must publish and update on its website, with no restrictions on access, for each type of residual material generated by the containers, packaging and printed matter covered by this Regulation, the amounts payable pursuant to the first paragraph of section 121 and the elements it has taken into account, including the characteristics listed in subparagraph 2 of the first paragraph of section 15 and the percentage referred to in subparagraph 7 of the first paragraph of that section, to modulate those amounts.".

37. Section 123 is amended

(1) in the first paragraph

(*a*) by striking out "1 year after";

(*b*) by replacing "from it" by "from that institution, business or industry";

(2) by inserting "and educational institutions" after "consumption" in the second paragraph.

38. Section 124 is amended

(1) by striking out "within 1 year";

(2) by replacing "them" the owner, manager or syndicate".

39. Section 125 is amended by replacing "or conditioning" in the part preceding paragraph 1 by ", conditioning or reclamation".

40. Section 126 is amended in the part preceding paragraph 1

(1) by inserting "other than a person referred to in section 125" after "person";

(2) by replacing "or conditioning" by ", conditioning or reclamation" and by replacing "2024" by "the expiry of the contract".

41. Section 128 is amended

(1) in the French text, by replacing "article" in paragraph 2 by "articles";

(2) by adding the following at the end:

"(4) to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.".

42. Section 129 is replaced by the following:

"**129.** A monetary administrative penalty of $350 in the case of a natural person or $1,500 in other cases may be imposed on any person who fails to establish a committee required by this Regulation."

43. The following is inserted after section 129:

"**129.1.** A monetary administrative penalty of $500 in the case of a natural person or $2,500 in other cases may be imposed on any person who fails

(1) to send the notice provided for in the first paragraph of section 24.1;

(2) to comply with the obligation set out in the second paragraph of section 24.1;

(3) to send the confirmation provided for in the first paragraph of section 30 or the first paragraph of section 43, or to send it within the prescribed time;

(4) to send notification as provided for in the second paragraph of section 42, the notice provided for in the second paragraph of section 45 or the notice provided for in the third paragraph of section 46, or to send it within the prescribed time;

(5) to send an annual report to the Minister at the times and in accordance with the conditions provided for in the first paragraph of section 58 or to have the financial statements contained in the report audited as provided for in the second paragraph of that section or to have them audited by a professional referred to in the second paragraph;

(6) to send the results referred to in the first paragraph of section 63 to the designated management body or to send them within the prescribed time;

(7) to have the rates referred to in section 78 audited or to have them audited by a professional referred to in the second paragraph of section 58;

(8) to submit a remedial plan, in contravention of the second paragraph of section 82 or to submit it within the prescribed time;

(9) to send the information referred to in section 122, section 125 or section 126 to a designated management body or to send it within the prescribed time;

(10) to have the data or information referred to in section 86.3 audited or to have it audited by a professional referred to in the second paragraph of section 58;

(11) to give access to the documents and information requested by a professional engaged to perform an audit, in contravention of the fourth paragraph of section 86.3;

(12) to comply with the time limit provided for in section 87.".

44. Section 131 is amended

(1) by replacing paragraphs 1 and 2 by the following:

"(1) fails to begin a mediation process, in contravention of the first paragraph of section 21, or to begin it within the prescribed time;

"(2) fails to pay the average compensation referred to in the first paragraph of section 22, or to pay it at the prescribed time;

"(2.1) enters into an agreement that does not contain all the elements referred to in section 25 or, as the case may be, section 29;";

(2) by replacing "sections 49 to" in paragraph 4 by "the first paragraph of section 50, sections 51 and";

(3) by inserting the following after paragraph 4:

"(4.1) fails to submit a change to a remedial plan or to submit it within the time limit set out in the third paragraph of section 82;";

(4) by replacing paragraph 7 by the following:

"(7) fails to provide the information referred to in section 120 to the designated management body;

"(8) fails to provide the documents and information requested pursuant to section 122 or section 127 or to provide them within the prescribed time;

"(9) fails to participate in the system of collective collection implemented pursuant to this Regulation, in contravention of the first paragraph of section 123, or to make recovery bins available, in contravention of the second paragraph of that section or section 124;

"(10) fails to comply with a clause of a contract entered into pursuant to this Regulation, en contravention avec section 140.".

45. The following is inserted after section 131:

"**131.1.** A monetary administrative penalty of $1,500 in the case of a natural person or $7,500 in other cases may be imposed on any person who fails

(1) to take the steps referred to in the second paragraph of section 48;

(2) to comply with the obligations set out in sections 92, 94 and 95.".

46. Section 132 is amended

(1) by inserting "14, the first and second paragraphs of section 15 and section" after "sections 12 to" in paragraph 2;

(2) by replacing paragraphs 3 and 4 by the following:

"(3) to take steps to enter into a contract referred to in section 18 within the prescribed time and on the prescribed conditions or to take steps to enter into a contract referred to in section 20 within the time and on the conditions set out in that section or in section 21;

"(4) to enter into a contract referred to in subparagraph 1 of the first paragraph of section 19 or to undertake itself the obligation set out in subparagraph 2 of the first paragraph of that section, to enter into a contract referred to in subparagraph 1 of the first paragraph of section 22.3 or to undertake itself the obligation set out in subparagraph 2 of the first paragraph of that section, to enter into a contract referred to in subparagraph 1 of the third paragraph of section 23 or to undertake itself the obligation set out in subparagraph 2 of the third paragraph of that section or to enter into a contract referred to in paragraph 1 of section 23.2 or to undertake itself the obligation set out in paragraph 2 of that section, or to comply with the time limits set out in those sections to fulfill those obligations;

"(5) to take steps to enter into a contract for the collection and transportation of residual materials referred to in section 22.1, the first paragraph of section 23 or the first paragraph of section 23.1, within the prescribed time and on the prescribed conditions;

"(6) to enter into any contract for the sorting, conditioning and reclamation of residual materials referred to in section 27, within the time and on the conditions set out in that section and in section 28;

"(7) to designate a body, in contravention of section 30;

"(8) to continue to meet its obligations pursuant to the first paragraph of section 48 or to assume obligations pursuant to section 49;

"(9) to be a member of a designated management body in accordance with section 118;

"(10) to comply with the terms and conditions determined by the designated management body, in contravention of section 121;".

47. Section 134 is replaced by the following:

"**134.** Every person who fails to establish any committee required by this Regulation commits an offence and is liable, in the case of a natural person, to a fine of $2,000 to $100,000 and, in other cases, to a fine of $6,000 to $600,000.".

48. The following is inserted after section 134:

"**134.1.** Every person who fails

(1) to send the notice provided for in the first paragraph of section 24.1,

(2) to comply with the obligation set out in the second paragraph of section 24.1,

(3) to send the confirmation provided for in the first paragraph of section 30 or the first paragraph of section 43, or to send it within the prescribed time,

(4) to send notification as provided for in the second paragraph of section 42, the notice provided for in the second paragraph of section 45 or the notice provided for in the third paragraph of section 46, or to send it within the prescribed time,

(5) to send an annual report to the Minister at the times and in accordance with the conditions provided for in the first paragraph of section 58 or to have the financial statements contained in the report audited as provided for in the second paragraph of that section or to have them audited by a professional referred to in the second paragraph,

(6) to send the results referred to in the first paragraph of section 63 to the designated management body or to send them within the prescribed time,

(7) to have the rates referred to in section 78 audited or to have them audited by a professional referred to in the second paragraph of section 58,

(8) to submit a remedial plan, in contravention of the second paragraph of section 82 or to submit it within the prescribed time,

(9) to send the information referred to in section 122, section 125 or section 126 to a designated management body or to send it within the prescribed time,

(10) to have the data or information referred to in section 86.3 audited or to have it audited by a professional referred to in the second paragraph of section 58,

(11) to give access to the documents and information requested by a professional engaged to perform an audit, in contravention of the fourth paragraph of section 86.3,

(12) to comply with the time limit provided for in section 87,

commits an offence and is liable, in the case of a natural person, to a fine of $2,500 to $250,000 and, in other cases, to a fine of $7,500 to $1,500,000.".

49. Section 136 is amended

(1) by replacing paragraphs 1 and 2 by the following:

"(1) fails to begin a mediation process, in contravention of the first paragraph of section 21, or to begin it within the prescribed time,

"(2) fails to pay the average compensation referred to in the first paragraph of section 22, or to pay it at the prescribed time,

"(2.1) enters into an agreement that does not contain all the elements referred to in section 25 or, as the case may be, section 29,";

(2) by replacing "sections 49 to" in paragraph 4 by "the first paragraph of section 50, sections 51 and";

(3) by inserting the following after paragraph 4:

"(4.1) fails to submit a change to a remedial plan or to submit it within the time limit set out in the third paragraph of section 82,";

(4) by replacing paragraph 7 by the following:

"(7) fails to provide the information referred to in section 120 to the designated management body,

"(8) fails to provide the documents and information requested pursuant to section 122 or section 127 or to provide them within the prescribed time,

"(9) fails to participate in the system of collective collection implemented pursuant to this Regulation, in contravention of the first paragraph of section 123, or to make recovery bins available, in contravention of the second paragraph of that section or section 124,

"(10) fails to comply with a clause of a contract entered into pursuant to this Regulation, en contravention avec section 140,".

50. The following is inserted after section 136:

"**136.1.** Every person who

(1) to take the steps referred to in the second paragraph of section 48,

(2) to comply with the obligations set out in sections 92, 94 and 95,

commits an offence and is liable, in the case of a natural person, to a fine of $8,000 to $500,000 and, in other cases, to a fine of $24,000 to $3,000,000.".

51. Section 137 is amended

(1) by striking out "or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or both," in the part following paragraph 5;

(2) by replacing " $15,000 to $3,000,000" in the part following paragraph 5 by " $30,000 to $6,000,000";

(3) by replacing paragraphs 3 and 4 by the following:

"(3) to take steps to enter into a contract referred to in section 18 within the prescribed time and on the prescribed conditions or to take steps to enter into a contract referred to in section 20 within the time and on the conditions set out in that section or in section 21,

"(4) to enter into a contract referred to in subparagraph 1 of the first paragraph of section 19 or to undertake itself the obligation set out in subparagraph 2 of the first paragraph of that section, to enter into a contract referred to in subparagraph 1 of the first paragraph of section 22.3 or to undertake itself the obligation set out in subparagraph 2 of the first paragraph of that section, to enter into a contract referred to in subparagraph 1 of the third paragraph of section 23 or to undertake itself the obligation set out in subparagraph 2 of the third paragraph of that section or to enter into a contract referred to in paragraph 1 of section 23.2 or to undertake itself the obligation set out in paragraph 2 of that section, or to comply with the time limits set out in those sections to fulfill those obligations,

"(5) to take steps to enter into a contract for the collection and transportation of residual materials referred to in section 22.1, the first paragraph of section 23 or the first paragraph of section 23.1, within the prescribed time and on the prescribed conditions,

"(6) to enter into any contract for the sorting, conditioning and reclamation of residual materials referred to in section 27, within the time and on the conditions set out in that section and in section 28,

"(7) to designate a body, in contravention of section 30,

"(8) to continue to meet its obligations pursuant to the first paragraph of section 48 or to assume obligations pursuant to section 49,

"(9) to be a member of a designated management body in accordance with section 118,

"(10) to comply with the terms and conditions determined by the designated management body, in contravention of section 121,";

(4) by replacing "5" in paragraph 5 by "11".

52. The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended, in section 281,

(1) by replacing "those referred to in section 2 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10)" in paragraph 1 by "the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6, 8 and 9 of the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01)";

(2) in the French text, by replacing “textiles” in paragraph 4 by “textile”.

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

106385