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## Part 2

# LAWS AND REGULATIONS

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18 October 2023 / Volume 155

### **Summary**

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Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
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## Regulations and other Acts

Gouvernement du Québec

### O.C. 1498-2023, 4 October 2023

Approval of the Directive from the Minister of Education regarding the use of cellphones, headphones and other personal mobile devices by students on the premises of school service centres' schools and vocational training centres where preschool education services and elementary and secondary school instructional services are provided

WHEREAS, under the first and second paragraphs of section 459.6 of the Education Act (chapter I-13.3), within the scope of the Minister's responsibilities, the Minister of Education may in particular issue directives to one or more school service centres concerning their administration, organization, operation and actions;

WHEREAS the third paragraph of that section provides that the directives must be submitted to the Government for approval and that once approved, they are binding on school service centres;

WHEREAS the Minister of Education has issued a directive regarding the use of cellphones, headphones and other personal mobile devices by students on the premises of school service centres' schools and vocational training centres where preschool education services and elementary and secondary school instructional services are provided;

WHEREAS it is expedient to approve the Directive;

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

THAT the Directive from the Minister of Education regarding the use of cellphones, headphones and other personal mobile devices by students on the premises of school service centres' schools and vocational training centres where preschool education services and elementary and secondary school instructional services are provided, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

### **Directive from the Minister of Education regarding the use of cellphones, headphones and other personal mobile devices by students on the premises of school service centres' schools and vocational training centres where preschool education services and elementary and secondary school instructional services are provided**

WHEREAS, under the first and second paragraphs of section 459.6 of the Education Act (chapter I-13.3), within the scope of the Minister's responsibilities, the Minister of Education may in particular issue directives to one or more school service centres concerning their administration, organization, operation and actions;

WHEREAS, under the third paragraph of section 459.6 of the Act, such a directive must be submitted to the Government for approval and once approved, is binding on school service centres;

WHEREAS, under the second paragraph of section 201 of the Act, the director general of the school service centre is responsible in particular for the day-to-day management of the school service centre's activities;

WHEREAS, under the second paragraph of section 96.12 of the Act, the school principal must see in particular to the implementation of the decisions of the governing board and of the other provisions governing the school;

WHEREAS, under the second paragraph of section 110.9 of the Act, the principal of the vocational training centre must see in particular to the implementation of the decisions of the governing board and of the other provisions governing the centre;

WHEREAS the Directive rests primarily on the priority given to the students' educational success and well-being by fostering an environment that is more conducive to teaching and learning;

WHEREAS the purpose of the Directive is to prohibit the use of cellphones, headphones and other personal mobile devices by students on the premises of school service centres' schools and vocational training centres where

preschool education services and elementary and secondary school instructional services are provided, except where their use is required by the methods of instruction selected by the teacher, the student's state of health or the special needs of a handicapped student or a student with social maladjustment or a learning disability.

THEREFORE:

1. School service centres established pursuant to the Education Act and the Centre de services scolaire du Littoral must implement the measures at their disposal to prohibit the use of cellphones, headphones and other personal mobile devices by students on the premises of schools and vocational training centres where preschool education services and elementary and secondary school instructional services are provided, except where their use is required by

- the methods of instruction selected by the teacher; or
- the student's state of health; or
- the special needs of a handicapped student or a student with social maladjustment or a learning disability.

2. Governing boards must define, on the proposal of the principal of the school or centre, in collaboration with the staff members of the school or centre, the approach for the application of the measures that the school service centre must implement pursuant to section 1. Governing boards are also responsible for informing the students and, where applicable, the students' parents of those measures.

3. In the event of non-compliance with the Directive, the school service centre must take the necessary measures to ensure that appropriate corrective actions are taken by the institutions' principals.

4. This Directive comes into force on the day it is approved by the Government.

For the 2023-2024 school year, the measures implemented by school service centres and the approach defined by the governing boards for their application must be applied not later than 31 December 2023.

BERNARD DRAINVILLE  
*Minister of Education*

106501

Gouvernement du Québec

**O.C. 1499-2023, 4 October 2023**

Act respecting workforce vocational training and qualification  
(chapter F-5)

**Certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels**  
— **Amendment**

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels

WHEREAS, under subparagraphs *b*, *c* and *l* of the first paragraph of section 30 of the Act respecting workforce vocational training and qualification (chapter F-5), the Government may make regulations consistent with the Act to ensure the efficient carrying out thereof and it may, in particular,

— render obligatory apprenticeship and the certificate of qualification for the carrying on of a given trade or vocation;

— determine the conditions for admission to apprenticeship and to the examinations for qualification, for obtaining and renewal of certificates of qualification and generally the conditions for admission to the carrying on of trades or vocations;

— generally, adopt any other related or supplementary provision for the efficient carrying out of the Act and for the proper functioning of the bodies which it establishes, including any exceptional provision to facilitate the implementation of intergovernmental agreements in respect of workforce mobility or the recognition of the qualifications, skills or work experience in trades or vocations.

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels was published in Part 2 of the *Gazette officielle du Québec* of 13 July 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels

Act respecting workforce vocational training and qualification  
(chapter F-5, s. 30, 1st par., subpars. *b*, *c* and *l*)

**1.** The Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2) is amended in section 1

(1) by inserting the following after the definition of “propane”:

““property” means a location, separated or not by a street, road or railway, that belongs to the same owner; (*propriété*)”;

(2) by adding “within the meaning of the Regulation respecting stationary enginemen (chapter M-6, r. 1)” at the end of the definition of “supervise”.

**2.** Section 6 is replaced by the following:

“6. Despite section 5, the holder of a certificate of qualification of a class immediately lower than the class required may

(1) operate or supervise a stationary engine or a stationary engine installation of that class for a period not exceeding 180 days in case of death, illness, holidays, vacations, resignation or dismissal of the holder of the appropriate certificate or the class augmentation of a stationary engine installation;

(2) operate or supervise a stationary engine or a stationary engine installation of that class where the chief stationary engineman who operates or supervises its operation is absent for a reason other than those listed in paragraph 1 and

(a) the chief stationary engineman designated by the owner or user of the stationary engine or of the stationary engine installation holds a certificate of qualification of the same category and a class equal to or higher than the classification of that engine or installation; and

(b) the chief stationary engineman is not designated as such for another stationary engine or stationary engine installation, unless it is on the same property;

(3) at all times, under the supervision of a holder of a certificate of qualification of the appropriate class and category who operates the stationary engine or stationary engine installation, carry on work authorized by the certificate of qualification for that class and category.”

**3.** Section 10.1 is amended by inserting “or another French training qualification recognized as equivalent by the Minister” after “France,” in the first paragraph.

**4.** Section 20 is amended by inserting the following after the second paragraph:

“Despite the foregoing, the apprentice’s proficiency in a qualification element may not be considered acquired before the apprentice receives a written confirmation from the Minister.”

**5.** Section 21 is amended by inserting “who is on the premises” at the end of the second paragraph.

**6.** The following is inserted after section 21:

“**21.1.** In the cases referred to in the second paragraph of section 21, the supervision may be carried on remotely where the employer who has the work carried on by the apprentice

(1) has put in place means to enable the apprentice, during the work supervised remotely, to communicate with the qualified person referred to in section 21.3 and receive technical support from that person;

(2) has made sure that the qualified person referred to in section 21.3 may, within a reasonable time, intervene on the premises with the apprentice;

(3) has established procedures for overseeing the work and restarting the installations and equipment on which the apprentice works.

**21.2.** The employer must, before the beginning of the work supervised remotely, inform the apprentice of the measures taken to ensure compliance with the conditions provided for in section 21.1.

**21.3.** The person who remotely supervises the work must be a worker qualified for the work concerned. The person must have at least 5 years of experience for such work, including the evaluation and certification of the proficiency in the elements of qualification.”

**7.** Section 25 is amended by replacing “certificate of qualification in gas appliance” in paragraph 3 by “certificate of qualification in restricted gas appliance maintenance techniques”.

**8.** The heading of Division VII is amended by inserting “DECISIONS AND” before “CONTESTATION”.

**9.** The following is inserted before section 35:

“**34.1.** The Minister may revoke any decision made pursuant to this Regulation on the basis of a declaration, document or information that is false, misleading or incomplete.

**34.2.** Before making an unfavourable decision or revoking a decision made pursuant to this Regulation, the Minister must notify in writing the person concerned by the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and give the person the opportunity to present observations.”.

**10.** Section 37.1 is amended

(1) by replacing “provided in the first and second paragraphs of section 21” in the first paragraph by “provided for in section 21 and, where applicable, comply with sections 21.1 to 21.3”;

(2) by replacing “in the second paragraph of section 6, section 7 or section 8” in the second paragraph by “in section 6 or 7”.

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

106502

Gouvernement du Québec

## O.C. 1500-2023, 4 October 2023

Act respecting workforce vocational training and qualification  
(chapter F-5)

### Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry — Amendment

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry

WHEREAS, under subparagraphs *a*, *b*, *c* and *l* of the first paragraph of section 30 of the Act respecting workforce vocational training and qualification (chapter F-5), the Government may make regulations consistent with the Act to ensure the efficient carrying out thereof and it may, in particular,

— determine the qualification required to carry on trades or vocations;

— render obligatory apprenticeship and the certificate of qualification for the carrying on of a given trade or vocation;

— determine the conditions for admission to apprenticeship and to the examinations for qualification, for obtaining and renewal of certificates of qualification and generally the conditions for admission to the carrying on of trades or vocations;

— generally, adopt any other related or supplementary provision for the efficient carrying out of the Act and for the proper functioning of the bodies which it establishes, including any exceptional provision to facilitate the implementation of intergovernmental agreements in respect of workforce mobility or the recognition of the qualifications, skills or work experience in trades or vocations.

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 13 July 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;



WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry, attached to this Order in Council, be made.

DOMINIQUE SAVOIE

*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry**

Act respecting workforce vocational training and qualification  
(chapter F-5, s. 30, 1st par., subpars. *a*, *b*, *c* and *l*)

**1.** The Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1) is amended in section 3

(1) by replacing “such as chair lifts, aerial tramways and ski lifts, including the operation of a temporary or unfinished system and” in paragraph 11 by “referred to in CAN/CSA Standard Z98, “Passenger ropeways and passenger conveyors”, including”;

(2) by adding the following at the end:

“(12) certificate in above-surface passenger ropeway mechanics (MRM-S) for the installation, maintenance, repair, renewal or alteration on above-surface passenger ropeways, rope tows, ropeways for secondary carriers and passenger conveyors referred to in CAN/CSA Standard Z98, “Passenger ropeways and passenger conveyors”, including the electrical connection of the apparatus and accessories from the main line connection switch specific to the mechanical conveyor system.”.

**2.** Section 7.1 is amended by inserting “or another French training qualification recognized as equivalent by the Minister” after “France,” in the first paragraph.

**3.** Section 16 is amended by inserting the following after the second paragraph:

“Despite the foregoing, the apprentice’s proficiency in a qualification element may not be considered acquired before the apprentice receives a written confirmation from the Minister.”.

**4.** Section 17 is amended by inserting “who is on the premises” at the end of the second paragraph.

**5.** The following is inserted after section 17:

“**17.1.** In the cases referred to in the second paragraph of section 17, the supervision may be carried on remotely where the employer who has the work carried on by the apprentice

(1) has put in place means to enable the apprentice, during the work supervised remotely, to communicate with the qualified person referred to in section 17.3 and receive technical support from that person;

(2) has made sure that the qualified person referred to in section 17.3 may, within a reasonable time, intervene on the premises with the apprentice;

(3) has established procedures for overseeing the work and restarting the installations and equipment on which the apprentice works.

**17.2.** The employer must, before the beginning of the work supervised remotely, inform the apprentice of the measures taken to ensure compliance with the conditions provided for in section 17.1.

**17.3.** The person who remotely supervises the work must be a worker qualified for the work concerned. The person must have at least 5 years of experience for such work, including the evaluation and certification of the proficiency in the elements of qualification.”.

**6.** The heading of Division VII is amended by inserting “DECISIONS AND” before “CONTESTATION”.

**7.** The following is inserted before section 29:

“**28.1.** The Minister may revoke any decision made pursuant to this Regulation on the basis of a declaration, document or information that is false, misleading or incomplete.

**28.2.** Before making an unfavourable decision or revoking a decision made pursuant to this Regulation, the Minister must notify in writing the person concerned by the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and give the person the opportunity to present observations.”.

**8.** Section 31.1 is amended

(1) by replacing “provided in the first and second paragraphs of” by “provided for in”;

(2) by adding “The employer must also comply with sections 17.1 to 17.3, if applicable.” at the end.

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

106503

## Draft Regulations

### Draft Regulation

Act respecting contracting by public bodies  
(chapter C-65.1)

#### Contracting by public bodies in the field of information technologies — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting contracting by public bodies in the field of information technologies, appearing below, may be made by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation sets out the conditions under which the Centre d'acquisitions gouvernementales may enter into a delivery order contract by mutual agreement for software for the benefit of joint public bodies or public bodies using common support system services provided by the Minister of Cybersecurity and Digital Technology.

The draft Regulation provides that a delivery order contract must relate to a software already held by the public body and it must seek the update or upgrade, the delivery of additional copies or the procurement of an additional software.

The draft Regulation provides that the chief information officer or a member of its staff designated by the chief information officer for that purpose must be of the opinion that the contract relates to software that is likely essential to the functioning of a system used to carry out a mission of the State.

The draft Regulation also provides that a software covered by a delivery order contract must be necessary for the public body to avoid one or more of the following prejudicial effects: being unable to fulfil its mission, adversely affecting the services offered to citizens, enterprises or other public bodies, contravening laws and regulations or substantially duplicating the costs for the common support system services provided by the Minister of Cybersecurity and Digital Technology.

In addition, the draft Regulation provides for an authorization from the chief executive officer of a public body before entering into a delivery order contract by mutual agreement and prior approval for each order.

Lastly, the draft Regulation imposes new accountability measures by adding an annual publication during the term of the contract and a publication at the end of the contract on the electronic tendering system.

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

Further information on the draft Regulation may be obtained by contacting Robert Villeneuve, Director General, Direction générale de l'encadrement, Sous secrétariat aux marchés publics, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4938; email: robert.villeneuve@sct.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister Responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8; email: robert.villeneuve@sct.gouv.qc.ca.

SONIA LEBEL  
*Minister Responsible for Government Administration  
and Chair of the Conseil du trésor*

### Regulation to amend the Regulation respecting contracting by public bodies in the field of information technologies

Act respecting contracting by public bodies  
(chapter C-65.1, s. 23, pars. 1 and 5 to 7)

**1.** The Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1) is amended by inserting the following after section 48:

#### “DIVISION 1.1 DELIVERY ORDER CONTRACTS RELATING TO CERTAIN SOFTWARE

**48.1.** A delivery order contract relating to software may be entered into by mutual agreement with a supplier, through the Centre d'acquisitions gouvernementales, where the contract

(1) is for the benefit of joint public bodies or public bodies using common support system services provided by the Minister of Cybersecurity and Digital Technology;

(2) relates to software already held by the public body and whose object is, as the case may be,

(a) the update or upgrade of the software;

(b) the delivery of additional copies of the software for a maximum quantity equal to that held by the public body before entering into the contract except for software used for common support system services provided by the Minister of Cybersecurity and Digital Technology; or

(c) the procurement of software in addition to the software held by the public body where no other interoperable software offering the functionalities and requirements sought exists; and

(3) concerns software that, in the opinion of the chief information officer or a staff member designated by the chief information officer for that purpose, further to a global assessment, is likely essential to the operation of a system used to support the carrying out of the State's mission.

In addition, the software referred to in the first paragraph must be necessary for the public body to avoid

(1) being unable to fulfil its mission;

(2) adversely affecting the services offered to citizens, enterprises or other public bodies;

(3) contravening laws and regulations; or

(4) substantially duplicating the costs for the common support system services provided by the Minister of Cybersecurity and Digital Technology.

**48.2.** An authorization from the chief executive officer of the public body is required before entering into the contract provided for in section 48.1. The authorization must indicate the object or objects applicable to the situation and the prejudicial effect or effects to be avoided, among those stated respectively in the first and second paragraphs of that section.

The chief executive officer of the public body or the staff member authorized for that purpose must, before the delivery of the software, approve each order placed under the contract. The first paragraph applies to the approval.”.

**2.** The following is added after section 75:

“**75.1.** At least once a year and at the end of the contract, the Centre d'acquisitions gouvernementales publishes in the electronic tendering system, on behalf of each public body for the benefit of which a contract referred to in section 48.1 has been entered into,

(1) the name of the software;

(2) the name of the supplier;

(3) the number of copies of the software ordered; and

(4) the total amount paid.”.

#### TRANSITIONAL AND FINAL

**3.** The second paragraph of section 48.2 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1), as made by section 1 of this Regulation, applies to orders placed under a contract entered into under Décret 1118-2017 dated 22 November 2017, Décret 1195-2019 dated 4 December 2019 or Décret 529-2021 dated 7 April 2021.

**4.** Section 75.1 of the Regulation respecting contracting by public bodies in the field of information technologies, as made by section 2 of this Regulation, applies to contracts referred to in section 3 provided they are ongoing. Despite the foregoing, the Centre d'acquisitions gouvernementales must not publish the information referred to in paragraph 1 of section 75.1.

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

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