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Summary

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(2022, chapter 7)

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Gazette officielle du Québec, Part 2, 18 May 2022, Vol. 154, No. 20, page 1381.

The indication "Passed 31 March 2022" appearing on the front page of the Act to proclaim the National Day for the Promotion of Positive Mental Health, as published in the *Gazette officielle du Québec,* Part 2, 18 May 2022, is again published and is to be read as follows:

"Passed 5 April 2022".

106509

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 5 OCTOBER 2023

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 5 October 2023

This day, at twenty to ten in the morning, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

14 An Act to amend various provisions relating to public security and to enact the Act to assist in locating missing persons

29 An Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods

33 An Act respecting the collective agreements of the special constables and the bodyguards of the Gouvernement du Québec

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 14
(2023, chapter 20)

An Act to amend various provisions relating to public security and to enact the Act to assist in locating missing persons

Introduced 15 March 2023
Passed in principle 19 April 2023
Passed 3 October 2023
Assented to 5 October 2023

Québec Official Publisher
2023

EXPLANATORY NOTES

This Act makes various amendments relating to public safety.

The Police Act is amended to provide for the payment, by the Government and to the École nationale de police du Québec, of an annual contribution based on the total payroll of the members of the specialized police forces.

The Act establishes the principle of the independence of police forces and their members in conducting police investigations and interventions, and states their obligation to act in concert and in partnership with the persons and various stakeholders from the communities concerned by their mission. It also specifies that all police forces have jurisdiction to prevent and repress statutory offences throughout Québec.

The Act allows certain members of the selection committee formed to evaluate the qualifications of the candidates to the office of Director General of the Sûreté du Québec to be replaced when special circumstances warrant it, and entrusts the Director General with responsibility for appointing certain officers.

The Act allows the Government to determine, by regulation, the areas in which a person who is not the holder of the diploma in police patrolling issued by the École nationale de police du Québec may be hired as a police officer to exercise investigative functions within a police force other than a specialized police force as well as the selection criteria and minimum qualifications to be hired in that capacity. The Government may also determine, by regulation, the continuing training requirements for police officers and the training required to exercise certain functions within a police force other than a specialized police force.

The Act makes various amendments relating to police ethics. It confers on the Police Ethics Commissioner an educative and preventive role in such matters. A complaint against a police officer for conduct that may constitute a transgression of the Code of ethics of Québec police officers may be lodged only by a person present during an event involving a police intervention or by a person with respect to whom the conduct of a police officer may constitute such a transgression. However, any other person may report such conduct

to the Commissioner, anonymously or not, within one year after the date of the event or knowledge of the event, in accordance with the procedure established by the Commissioner. The Commissioner may hold an investigation on the Commissioner's own initiative in certain circumstances and may hold conciliation proceedings at a distance using technological means. The Commissioner's obligation to notify certain people of the status of an investigation is withdrawn, and the Commissioner is entrusted with the obligation to notify them if the investigation report cannot be submitted within a six-month period. Furthermore, a complaint alleging discriminatory conduct may, at the complainant's discretion, be submitted to conciliation, in which case the conciliator must have received the appropriate training on racism and discrimination.

The Act replaces the name "Comité de déontologie policière" by "Tribunal administratif de déontologie policière". It updates the penalties the Tribunal may impose where the conduct of a police officer is found to be a transgression of the Code of ethics, and allows it to impose measures on the police officer, in addition to penalties, after allowing the parties to be heard. The chair of the Tribunal is granted powers to ensure proper case management, including the power to make a directive for that purpose. A member of the Tribunal is also allowed, at any time, to take the measures the member considers necessary for case management purposes. The Act replaces the appeal as of right from any final decision rendered by the Tribunal by an appeal with leave, and sets out the applicable procedure and the effects of such an appeal.

In addition, the Act provides that the Government determines, by regulation, the minimum content of an internal discipline by-law for members of a police force, and that a labour contract or a collective agreement may not depart from that by-law.

The Act establishes that the priorities and guidelines prepared with respect to police forces must be in writing and be made public, and provides for restrictions regarding their content. Moreover, the director or a member of a police force must refuse to communicate or to confirm the existence of information where its disclosure could have an impact on the administration of justice and public security.

The Act specifies that the object of an investigation relating to a police intervention or police custody held by the Bureau des enquêtes indépendantes is to shed light on the event and the related circumstances with impartiality and transparency. The director of the Bureau may decide, in certain circumstances, to terminate an investigation if a person, other than an on-duty police officer, dies

or sustains a serious injury during a police intervention. In such a case, the director communicates the reasons for the decision to the public. The Bureau is allowed, once the investigation has been completed, to send its investigation record to certain bodies.

In addition, the Act establishes additional accountability requirements for the Police Ethics Commissioner and police forces. It broadens the power of the Minister of Public Security to establish guidelines on any matter relating to police activity and requires the Minister to establish a guideline concerning police street checks, including vehicles stopped, within two months after the date of assent to this Act. It specifies on whom a role assigned by the Police Act is to be conferred when the police officer who is to exercise the role is involved.

The Act also amends the Act respecting the Ministère de la Sécurité publique to entrust the Minister of Public Security with the power to devise measures and programs, propose them to the Government and see to their implementation.

The Act enacts the Act to assist in locating missing persons, whose purpose is to facilitate the obtaining, by members of a police force, of information concerning a missing person and, if the missing person is a minor or a person in a vulnerable situation, the person accompanying them. For that purpose, that Act provides that a judge of the Court of Québec or a presiding justice of the peace may, on an application from a member of a police force, order the communication of certain information concerning a missing person or the person accompanying them. The judge or presiding justice of the peace may also, on an application of a member of a police force, grant authorization to enter premises, including a dwelling house. No one is excused from complying with an order made under that Act on the ground that information or documents they are required to communicate are protected by professional secrecy or may tend to incriminate them or subject them to a proceeding or penalty. It also allows the director of a police force to communicate certain information to the public if it is necessary in order to assist in locating a missing person or when the missing person has been located.

The Act amends the Act respecting the Québec correctional system, in particular to provide that the review of all decisions of discipline committees established in correctional facilities is to be carried out by a person designated by the Minister and that an offender's temporary absence automatically ends as soon as the offender is the subject of a decision refusing their conditional release.

Decisions of the Commission québécoise des libérations conditionnelles concerning offenders are to be made public, with the exception of certain information they may contain.

The Act makes various amendments to the Fire Safety Act relating to fire safety cover plans. The Act amends the revision period for the plans. It sets out the cases where a plan must be amended and specifies the applicable procedure. It allows the Minister to order a regional authority to amend or revise its fire safety cover plan in certain cases. The Act gives the Commission municipale du Québec jurisdiction over certain disputes between local municipalities or intermunicipal boards that prevent one of them from complying with the optimum protection objectives. It amends the accountability requirements that regional authorities and local municipalities must meet regarding the implementation of their fire safety cover plans.

Lastly, the Act makes certain technical corrections and contains various consequential and transitional provisions.

LEGISLATION ENACTED BY THIS ACT:

– Act to assist in locating missing persons (2023, chapter 20, section 117).

LEGISLATION AMENDED BY THIS ACT:

– Tax Administration Act (chapter A-6.002);

– Cannabis Regulation Act (chapter C-5.3);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Tobacco Tax Act (chapter I-2);

– Tobacco Control Act (chapter L-6.2);

– Act respecting the Ministère de la Sécurité publique (chapter M-19.3);

– Police Act (chapter P-13.1);

– Youth Protection Act (chapter P-34.1);

– Act to promote the protection of persons by establishing a framework with regard to dogs (chapter P-38.002);

– Consumer Protection Act (chapter P-40.1);

– Fire Safety Act (chapter S-3.4);

– Act respecting the Québec correctional system (chapter S-40.1).

REGULATIONS AMENDED BY THIS ACT:

– Rules of evidence, procedure and practice of the Comité de déontologie policière (chapter P-13.1, r. 2.1);

– By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4).

Bill 14

AN ACT TO AMEND VARIOUS PROVISIONS RELATING TO PUBLIC SECURITY AND TO ENACT THE ACT TO ASSIST IN LOCATING MISSING PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PROVISIONS RELATING TO POLICE

POLICE ACT

1. Section 2 of the Police Act (chapter P-13.1) is amended by striking out the second sentence of the second paragraph.

2. Section 5 of the Act is repealed.

3. Section 43 of the Act is amended by inserting "and the members of specialized police forces, except those on secondment to the Anti-Corruption Commissioner in accordance with the second paragraph of section 14 of the Anti-Corruption Act (chapter L-6.1)" at the end of the first paragraph.

4. Section 48 of the Act is amended

(1) by striking out "as set out in sections 50, 69 and 89.1" in the first paragraph;

(2) by inserting "act in collaboration and in partnership with the persons and various stakeholders from the communities concerned by their mission so as to foster the complementarity and effectiveness of their interventions," after "freedoms," in the second paragraph;

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

"When conducting police investigations and interventions, they act with full independence, free of any interference."

5. Section 50 of the Act is amended

(1) by replacing "enforce law" in the first paragraph by "prevent and repress statutory offences";

(2) by replacing "enforce applicable municipal by-laws" in the second paragraph by "prevent and repress offences under the municipal by-laws applicable".

6. Section 56.2 of the Act is amended, in the second paragraph,

(1) by inserting "or, where special circumstances warrant it, the Deputy Minister's representative" after "Public Security";

(2) by inserting "or, where special circumstances warrant it, the executive director's representative" after "École nationale de police du Québec".

7. Section 56.9 of the Act is replaced by the following section:

"**56.9.** Senior officers other than the Director General and deputy directors, junior officers, constables and auxiliary constables shall be appointed by the Director General."

8. Section 64 of the Act is amended by replacing the second paragraph by the following paragraph:

"The Director General may, for cause, suspend with or without pay any member under investigation, other than a deputy director, or, for serious cause, dismiss the member."

9. Section 69 of the Act is replaced by the following section:

"**69.** Each municipal police force shall have jurisdiction to prevent and repress statutory offences throughout Québec. It shall also have jurisdiction to prevent and repress offences under municipal by-laws in the territory of the municipality to which it is attached and in any other territory in which it provides police services."

10. Section 90 of the Act is amended by replacing "The Government may enter into an agreement with one or more Native communities, each represented by its band council," in the first paragraph by "One or more Indigenous communities, each represented by its band council, may enter into an agreement with the Government".

11. Section 93 of the Act is replaced by the following section:

"**93.** Each Indigenous police force shall have jurisdiction to prevent and repress statutory offences throughout Québec. It shall also have jurisdiction to prevent and repress offences under by-laws applicable in the territory in which it is established."

12. Section 105 of the Act is amended by replacing "to enforce" by "offences under".

13. Section 115 of the Act is amended

(1) by replacing "hold a diploma awarded" in subparagraph 4 of the first paragraph by "be the holder of the diploma in police patrolling issued";

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

"The Government may, by regulation, determine the areas in which a person who does not meet the condition set out in subparagraph 4 of the first paragraph may be hired as a police officer to exercise investigative functions, within a police force other than a specialized police force, and the selection criteria and minimum qualifications required, including training, to be hired in that capacity."

14. Section 116 of the Act is amended

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

"The Government may, by regulation, determine the requirements relating to continuing training with which police officers must comply as well as, in the cases determined in the regulation, the minimum qualifications required, including training, to exercise, within a police force other than a specialized police force, investigative or managerial functions or any other function that it determines.

The regulation may prescribe methods for monitoring, supervising or evaluating the training requirements, penalties for a failure to comply with those requirements and, where applicable, exemptions from training.";

(2) by inserting "including training," before "that apply" in the second paragraph.

15. Section 120.1 of the Act is repealed.

16. Section 126 of the Act is amended by replacing "to them" in the first paragraph by "to highway controllers".

17. Section 128 of the Act is amended

(1) by replacing "against a police officer by any person" in the first paragraph by "against or report made respecting a police officer";

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

"The Police Ethics Commissioner shall also assume an educative and preventive role in matters of police ethics, in particular through the development and implementation of prevention and information programs in such matters."

18. Section 129 of the Act is amended by replacing "social benefits" by "employee benefits".

19. Section 131 of the Act is amended by replacing "employment benefits" by "employee benefits".

20. Section 134 of the Act is amended by replacing "second" by "fourth".

21. Section 139 of the Act is amended

(1) by inserting "a report or an investigation held by the Commissioner," after "complaint,";

(2) by replacing "their duties" by "such duties";

(3) by replacing "ethics committee" by "Tribunal administratif de déontologie policière".

22. Section 140 of the Act is amended by striking out "general".

23. Section 141 of the Act is amended

(1) by replacing "received and the action taken in connection therewith" in the second paragraph by "and reports received, the investigations held by the Commissioner and the action taken in connection with them";

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

"The report shall also include any other information required by the Minister."

24. The heading of subdivision 2 of Division II of Chapter I of Title IV of the Act is amended by adding "*and reports*" at the end.

25. Section 143 of the Act is replaced by the following section:

"**143.** Any person present during an event involving a police intervention may lodge a complaint with the Commissioner against a police officer for conduct, in the performance of his duties during that event, that may constitute a transgression of the Code of ethics. The same applies to a person with respect to whom the conduct of a police officer in the performance of his duties may constitute a transgression of that Code.

Any other person may report to the Commissioner the conduct of a police officer, in the performance of his duties, that may constitute a transgression of the Code of ethics.

The complaint or report shall be made in writing or, where the Commissioner allows it given the circumstances, orally. The report may be made anonymously."

26. Section 143.1 of the Act is amended by replacing "constitutes" in the first paragraph by "may constitute".

27. The Act is amended by inserting the following section after section 143.1:

"**143.2.** A report relating to the conduct of a police officer in the performance of his duties shall be made and dealt with in accordance with the procedure established by the Commissioner.

That procedure must, in particular,

(1) specify the applicable terms for making a report;

(2) specify the support measures available to help a person make a report;

(3) provide the Commissioner's procedure for dealing with a report and the measures aimed at ensuring, where applicable, the anonymity of the person who made the report;

(4) determine the follow-up required in response to a report and the time limit for carrying it out; and

(5) specify the time limit to deal with a report.

The Commissioner shall see to the dissemination of the procedure."

28. Section 144 of the Act is amended

(1) by inserting "and ensure the preservation of the evidence collected by the complainant" at the end of the second paragraph;

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

"Where the complaint is lodged orally, the members of the staff of the Commissioner shall send the complainant a writing describing the complaint. Where the complaint is in writing, they may, on request, send the complainant a copy of the complaint. In addition, whether the complaint is in writing or oral, they shall send the complainant a list of the documents and evidence collected by the complainant."

29. Section 145 of the Act is replaced by the following section:

"**145.** The members of the staff of the Commissioner shall, within five days of receipt of the complaint, send the director of the police force concerned a copy of the evidence collected and of the complaint or, if it was lodged orally, a writing describing it."

30. Section 147 of the Act is amended by inserting ", except the complaint referred to in section 147.1" after "to conciliation" in the first paragraph.

31. The Act is amended by inserting the following section after section 147:

"**147.1.** A complaint alleging discriminatory conduct by a police officer may be submitted to conciliation, at the discretion of the complainant. The complainant shall notify his choice in writing to the Commissioner within 30 days after the lodging of the complaint. Failing that, the complainant is presumed to have accepted conciliation.

The Commissioner shall hold an investigation if the complainant refuses conciliation."

32. Section 150 of the Act is amended

(1) by inserting "or to make a report" after "lodge a complaint";

(2) by inserting "or to the report" at the end.

33. Section 153 of the Act is replaced by the following section:

"**153.** The Commissioner shall keep, in the form and manner he determines, a register of the complaints and reports he receives.

The Commissioner shall send a written notice of receipt of the complaint or report to the person who lodged or made it, if the person's identity is known."

34. The Act is amended by inserting the following after section 153:

"§2.1. — *Conciliation of complaints*".

35. Section 154 of the Act is amended by adding the following paragraph at the end:

"To be designated to act as conciliator with regard to a complaint alleging discriminatory conduct by a police officer, a conciliator must have received the appropriate training on racism and discrimination."

36. Section 157 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "The complainant may also be accompanied by a member of the staff of the Commissioner to assist him.";

(2) by replacing "of both parties; however, the conciliator may meet separately with each party in order to arrive at a settlement" in the second paragraph by "of both parties, except where the Commissioner considers it necessary, given the circumstances, that the proceedings be held at a distance using a means that allows the persons to hear and see one another in real time.

Where the Commissioner intends to use such a means, he shall notify the complainant and the police officer within a reasonable time before the proceedings";

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

"The conciliator may meet separately with each party in order to arrive at an agreement."

37. Section 165 of the Act is replaced by the following section:

"**165.** Failing a settlement, the Commissioner may decide to hold an investigation. However, he is required to hold one in the case of a complaint alleging discriminatory conduct by a police officer.

The holding of an investigation shall not prevent the conciliation procedure from being resumed if the parties consent."

38. Section 166 of the Act is repealed.

39. Section 168 of the Act is amended

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

"(1) the complaint or the report is frivolous, vexatious or made in bad faith;";

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

"If, following a report, the Commissioner refuses to hold or terminates an investigation, no reference to the report shall be made in the personal record of the police officer concerned."

40. Section 169 of the Act is amended

(1) by inserting ", where applicable," after "notify";

(2) by replacing "subject-matter of the complaint" by "subject of the complaint or of an investigation held by the Commissioner";

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

"Where the Commissioner makes a decision pursuant to section 168, he shall notify the director of the police force concerned and the police officer whose conduct is the subject of the report, and state the reasons for his decision. The Commissioner shall also notify the person who made the report, if the person's identity is known, of the decision and of the reasons for it."

41. Section 170 of the Act is replaced by the following section:

"**170.** The Commissioner, taking all circumstances into account, including the nature of and facts alleged in the complaint or report, may decide to hold an investigation.

The Commissioner may also, on his own initiative, decide to hold an investigation if it is brought to his attention or he becomes aware that the conduct of a police officer, in the performance of the police officer's duties, may constitute a transgression of the Code of ethics.

The Commissioner is required to hold an investigation into the conduct of a police officer, in the performance of the police officer's duties, that may constitute a transgression of the Code of ethics where the Minister requests the Commissioner to do so or in the cases provided for in sections 147.1 and 165.

If an investigation is held, the Commissioner shall notify, in writing and without delay, where applicable, the complainant or the person who made the report, the police officer concerned and the director of the police force of which the police officer is a member. In the case of a complaint about the conduct of a Québec police officer in another province or a territory, the Commissioner shall also notify the competent authority with which the complaint has been lodged in that province or territory."

42. Section 171 of the Act is amended by replacing the first paragraph by the following paragraph:

"The Commissioner shall designate a person to act as investigator, not later than the 15th day following

(1) his decision or the Minister's request to hold an investigation; or

(2) the refusal or failure of the conciliation, in the case of a complaint alleging discriminatory conduct by a police officer."

43. Section 174 of the Act is amended by replacing "the complaint under" by "an".

44. Section 175 of the Act is repealed.

45. Section 176 of the Act is amended by adding the following sentence at the end: "If the investigation report cannot be submitted within that time period, the Commissioner shall notify in writing, where applicable, the complainant, the police officer concerned and the director of the police force of which the police officer is a member."

46. Section 178 of the Act is amended

(1) in the first paragraph,

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

"(1.1) not follow up on the investigation held following a report, on his initiative or at the request of the Minister, if he is of the opinion that the evidence is insufficient;";

(*b*) by replacing "Comité" in subparagraph 2 by "Tribunal administratif";

(2) by replacing "to subparagraph 1" in the second paragraph by "to subparagraphs 1 and 1.1".

47. Section 187 of the Act is amended by replacing the first paragraph by the following paragraph:

"The Commissioner may, where he dismisses a complaint or does not follow up on an investigation held following a report, on his initiative or at the request of the Minister, transmit observations to the police officer concerned for the purpose of improving the police officer's professional conduct and preventing any transgression of the Code of ethics."

48. Section 190 of the Act is amended by replacing "the complaint he is investigating" by "an investigation".

49. Section 192 of the Act is amended

(1) by replacing "subject-matter of a complaint" in the first paragraph by "subject of an investigation";

(2) by replacing "in whose respect no complaint has been made and who cooperates with the Commissioner or the investigators during an investigation carried out following a complaint made against another police officer," in the second paragraph by "who cooperates with the Commissioner or the investigators during an investigation concerning another police officer".

50. The heading of Division III of Chapter I of Title IV of the Act is amended by replacing "COMITÉ" by "TRIBUNAL ADMINISTRATIF".

51. Section 194 of the Act is amended

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

"An administrative tribunal is established under the name "Tribunal administratif de déontologie policière".";

(2) by replacing "ethics committee" in the introductory clause of the second paragraph by "Tribunal".

52. Section 195 of the Act is amended by replacing "a complaint concerning the conduct of a police officer, the purpose of which is to" by "an investigation concerning the conduct of a police officer, and its purpose is to".

53. Section 196 of the Act is amended

(1) by replacing "ethics committee is located in the territory of the Communauté urbaine de Québec" in the first paragraph by "Tribunal is located in the territory of Ville de Québec";

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

"The Tribunal may sit anywhere in Québec. It may hold a hearing at a distance using any means that allows the persons to hear and see one another in real time."

54. Section 197 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "sitting of the ethics committee" by "hearing of the Tribunal";

(*b*) by replacing "the committee" by "the Tribunal";

(2) by replacing "the ethics committee hold a sitting" in the second paragraph by "the Tribunal hold a hearing".

55. Section 198 of the Act is replaced by the following section:

"**198.** The Tribunal shall be composed of advocates who have been members of the Barreau for not less than 10 years."

56. Section 199 of the Act is amended

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

"The Government shall appoint the Tribunal's full-time and part-time members, at least one of which is a member of an Indigenous community to act where an investigation relates to an Indigenous police officer, for a term not exceeding five years and in such number as the Government determines. Their term may be renewed.";

(2) by replacing "chairman of the ethics committee" in the third paragraph by "chair".

57. Section 201 of the Act is amended by replacing "and social benefits of the full-time members and shall determine the other conditions attached to their office" by ", employee benefits and other conditions of employment of the full-time members".

58. Section 202 of the Act is amended by striking out "committee".

59. Section 216 of the Act is amended by replacing "constituting" by "that may constitute".

60. Section 217 of the Act is replaced by the following section:

"**217.** The clerk shall notify the citation to the police officer concerned by any means that provides proof of the date of its notification.

The clerk shall send a copy of the citation to the complainant."

61. Section 220 of the Act is replaced by the following section:

"**220.** Upon receipt of the declaration or at the expiry of the time allowed for filing it, the chair shall fix the date and place of the hearing or, if it is held at a distance, the means to be used to hold the hearing. The clerk shall notify the parties not less than 30 days before the date fixed for the hearing by any means that provides proof of the date of receipt of the notice."

62. Section 222 of the Act is amended by replacing "ethics committee adjourn a sitting" by "Tribunal adjourn a hearing".

63. Section 231 of the Act is replaced by the following section:

"**231.** The chair, after consulting the members of the Tribunal, may make a directive to ensure proper case management and the orderly conduct of proceedings. The chair shall make any such directive public.

A member may also, at any time, take the measures it considers necessary for case management purposes, such as ordering that any proceeding, documentary evidence, report or information be communicated before the hearing. The member may also convene the parties to a case management conference or a preparatory conference."

64. Section 233 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "committee" by "Tribunal";

(*b*) by inserting "and, where appropriate, a measure" at the end;

(2) in the second paragraph,

(*a*) by inserting "and, if applicable, a measure" after "a penalty";

(*b*) by replacing "committee" by "Tribunal";

(*c*) by replacing "the penalty" by "them".

65. Section 234 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "ethics committee" by "Tribunal";

(*b*) by striking out subparagraphs 1 and 3;

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

"The Tribunal may impose on the police officer, in addition to the penalties set out in the first paragraph, either of the following measures:

(1) successfully complete training; or

(2) successfully complete a period of refresher training, if it considers that the police officer's level of competence is lower than that required for the protection of the public."

66. Section 235 of the Act is amended

(1) by inserting "and a measure" after "penalty" in the first paragraph;

(2) by replacing "ethics committee" and all occurrences of "committee" by "Tribunal".

67. Section 236 of the Act is amended, in the first paragraph,

(1) by replacing "ethics committee" by "Tribunal";

(2) by replacing "registered mail" by "any means that provides proof of its notification".

68. Section 238 of the Act is replaced by the following section:

"**238.** A final decision of the Tribunal may be appealed to the Court of Québec, with leave of a judge of that court, where the matter at issue is one which ought to be submitted to that court. However, where a penalty is to be imposed, the decision may be the subject of an application for leave to appeal only once the penalty has been imposed."

69. Section 239 of the Act is amended

(1) by replacing "ethics committee" in the first paragraph by "Tribunal";

(2) by striking out "of the ethics committee" in the second paragraph;

(3) by replacing "the imposition of the penalty decided by the ethics committee" in the third paragraph by "the enforcement of the penalty and, if applicable, the measure imposed by the Tribunal".

70. Section 241 of the Act is replaced by the following section:

"**241.** Any person who is a party to a proceeding before the Tribunal may file, with the Court of Québec, an application for leave to appeal any final decision of the Tribunal."

71. Section 243 of the Act is replaced by the following section:

"**243.** The application for leave to appeal must be made at the office of the Court of Québec of the judicial district where the Tribunal heard the matter in first instance and be accompanied by a copy of the decision and of the documents of the contestation, if they are not reproduced in the decision.

The application, accompanied by a notice of presentation, must be served on the other party, the director of the police force of which the police officer concerned is a member, the Tribunal and the person who lodged the complaint, and filed in the office of the Court. The application must state the conclusions sought and contain a brief statement by the applicant of the grounds he intends to argue.

The application must be made within 30 days of the decision. The time limit may be extended only if a party establishes that it was unable to act.

The respondent may bring an incidental appeal in the same manner and within 30 days of the service of the application."

72. Section 244 of the Act is repealed.

73. The Act is amended by inserting the following section after section 244:

"**244.1.** An application for leave to appeal does not suspend the execution of the Tribunal's decision. However, a judge of the Court of Québec may, on an application, suspend execution of the decision if the applicant shows that execution would cause him serious prejudice and that he has filed an application for leave to appeal."

74. Sections 245 and 246 of the Act are replaced by the following sections:

"**245.** If an application for leave to appeal is granted, the judgment authorizing the appeal shall stand for the inscription in appeal.

The clerk of the Court of Québec shall, without delay, send a copy of that judgment to the Tribunal, to the parties and their advocates, to the director of the police force of which the police officer concerned is a member and to the person who lodged the complaint.

Upon receipt of the judgment, the clerk of the Tribunal shall send the record of the case and all documents relating to it to the clerk of the Court of Québec.

"**246.** Unless provisional execution has been ordered, the appeal suspends execution of the Tribunal's decision."

75. Section 247 of the Act is repealed.

76. Section 253 of the Act is amended by replacing "the imposition of the penalty decided" in the second paragraph by "the enforcement of the penalty and, if applicable, the measure imposed".

77. Section 255.2 of the Act is amended

(1) by replacing "a warning, reprimand or rebuke" in the first paragraph by "a reprimand";

(2) by replacing "ethics committee" in the fourth paragraph by "Tribunal".

78. Section 255.4 of the Act is amended

(1) by replacing "penalty imposed" by "penalty and, if applicable, the measure imposed";

(2) by replacing "imposed the penalty" by "enforced them,".

79. Section 255.5 of the Act is amended

(1) by replacing "ethics committee" in the first paragraph by "Tribunal";

(2) by replacing "imposed" in the second paragraph by "enforced".

80. Section 255.6 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "was a warning, reprimand or rebuke, and the Commissioner raises no objection. If the penalty was a suspension or demotion, or the Commissioner" in the first paragraph by "imposed is a reprimand, and the

Commissioner raises no objection. If a measure was imposed under the second paragraph of section 234, if the penalty imposed is a suspension or demotion or if the Commissioner";

(*b*) by replacing "ethics committee" by "Tribunal";

(2) by replacing "ethics committee" in the second paragraph by "Tribunal".

81. Section 255.7 of the Act is amended

(1) by replacing the first occurrence of "imposed" in the second paragraph by "enforced";

(2) by replacing all occurrences of "ethics committee" by "Tribunal".

82. Section 255.9 of the Act is amended by replacing "ethics committee" in the second paragraph by "Tribunal".

83. Section 258 of the Act is amended by replacing the third and fourth paragraphs by the following paragraph:

"The Government shall determine, by regulation, the minimum content of a discipline by-law made under section 256. The minimum content shall apply to any regulation made under section 257."

84. Section 259 of the Act is amended by adding the following sentence at the end: "However, those provisions may not depart from the provisions of the government regulation made under the third paragraph of section 258."

85. Section 262 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "written statement and sign the";

(*b*) by inserting "of which he attests to be the author" after "statement";

(2) by replacing "personal notes and reports" in the third paragraph by "documents".

86. The Act is amended by inserting the following chapter after section 263.3:

"**CHAPTER V**

"COMMUNICATION WITH A POLICE FORCE

"**263.4.** The priorities and guidelines prepared by the Minister, the municipality, the intermunicipal board, the public security committee established under section 78 or the band council with respect to a police force acting under its authority shall be brought to the attention of the police force concerned in writing and be made public.

The priorities and guidelines shall not concern a police investigation or intervention in particular.

"**263.5.** The director or a member of a police force must refuse to communicate or to confirm the existence of information if its disclosure could have an impact on the administration of justice and public security, in particular where it could adversely affect a police investigation or intervention, reveal an investigation procedure or result in danger to human life or safety."

87. Section 264 of the Act is amended by inserting "the number of police officers who participated in a training activity referred to in section 116, a requalification activity or an activity to maintain skills, specifying the training activity or activity to maintain skills participated in and the number of hours spent on the activity," after "in particular,".

88. Section 265 of the Act is replaced by the following section:

"**265.** The director of a police force must transmit to the Minister, before 1 April each year, according to the form and content determined by the Minister,

(1) a report indicating the search warrants applied for; and

(2) a report indicating the police street checks made, including the vehicles stopped under section 636 of the Highway Safety Code (chapter C-24.2)."

89. Section 267 of the Act is amended

(1) by replacing "and within the time prescribed by the Minister" in the introductory clause by ", within the time and in the form and manner determined by the Minister";

(2) by adding the following paragraphs after paragraph 2:

"(3) the statements, statistical data and other information necessary to assess the crime situation and the effectiveness of police action; and

"(4) the information and documents necessary for the exercise of the Minister's functions."

90. Section 289.1 of the Act is amended by adding the following sentence at the end of the first paragraph: "The purpose of the investigation is to shed light on the event and the related circumstances with impartiality and transparency."

91. The Act is amended by inserting the following section after section 289.1:

"**289.1.1.** The director of the Bureau may decide, unless public confidence in police officers would be severely undermined, to terminate an investigation if convinced, after consulting, if the director considers it necessary, the Director of Criminal and Penal Prosecutions, that the police intervention did not contribute to the death or to the serious injury.

However, the Bureau must complete the investigation if it is informed of a new fact which, had it been known in time, would have justified completion of the investigation."

92. The Act is amended by inserting the following section after section 289.3:

"**289.3.1.** Once the investigation referred to in section 289.1 or section 289.3 has been completed, the director of the Bureau shall send the file to the Director of Criminal and Penal Prosecutions and to, where appropriate, the coroner, the Police Ethics Commissioner, the internal affairs of the police force of which the police officer involved is a member or the Public Protector in order for them to process it."

93. Section 289.21 of the Act is repealed.

94. The Act is amended by inserting the following section before section 289.22:

"**289.21.1.** The director of the Bureau shall communicate to the public the reasons for the decision to terminate an investigation under the first paragraph of section 289.1.1."

95. Section 304 of the Act is amended by replacing "general policy concerning police organization and crime prevention." in the first paragraph by "general policy directions concerning police organization and crime prevention. The policy directions shall be brought to the attention of the police forces concerned in writing and be made public."

96. Section 307 of the Act is replaced by the following section:

"**307.** The Minister shall advise and supervise the police forces and the authorities that the police forces report to as regards the implementation of the measures provided for in this Act and shall verify the effectiveness of the police services they provide.

To that end, the Minister shall establish and make public guidelines on any matter coming under this Act or the regulations and on any matter relating to police activity. The guidelines may concern, among other things, collaboration and concerted action between police forces and between police forces and the various stakeholders concerned. The guidelines shall not concern a police investigation or intervention in particular.

The authorities to which the police forces report shall communicate to the Minister all relevant information concerning their priorities, projects and achievements."

97. The Act is amended by inserting the following section after section 307:

"**307.1.** The Minister must establish, with respect to police forces and their members, a guideline concerning police street checks, including vehicles stopped under section 636 of the Highway Safety Code (chapter C-24.2), and make it public."

98. Section 308 of the Act is amended by replacing "other social stakeholders" by "various stakeholders from the communities concerned by the mission of police forces".

99. Section 353.3 of the Act is amended by replacing "employment benefits" in the third paragraph by "employee benefits".

100. The Act is amended by inserting the following section after section 354:

"**354.1.** For the purposes of the provisions of this Act that confer a role on the director of a police force or on the competent authority in respect of a special constable, the role is conferred on

(1) the Minister, if the police officer involved is the Director General of the Sûreté du Québec or the director of a specialized police force;

(2) the director general of the municipality, if the police officer involved is the director of a municipal police force; or

(3) the employer

(*a*) if the police officer involved is the director of any other police force; or

(*b*) if the special constable involved acts as the competent authority in respect of special constables under the first paragraph of section 107.

For the purposes of Chapter I of Title IV, if the complaint is lodged against a highway controller or a person having authority over a highway controller, the role conferred on the director of a police force is conferred on the employer."

CANNABIS REGULATION ACT

101. Section 72 of the Cannabis Regulation Act (chapter C-5.3) is repealed.

CITIES AND TOWNS ACT

102. Section 114.1 of the Cities and Towns Act (chapter C-19) is amended

(1) by replacing ", in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation" in paragraph 1 by "the director or a member of the police force must refuse to communicate or to confirm the existence of information in accordance with section 263.5 of the Police Act (chapter P-13.1)";

(2) by replacing "provided that the report does not, in the opinion of the head of the police department, tend to disclose the content of a record concerning a police investigation; and, he shall, where he considers it expedient," in paragraph 6 by ", with the exception of any information referred to in section 263.5 of the Police Act; where he considers it expedient, he shall".

MUNICIPAL CODE OF QUÉBEC

103. Article 176.5 of the Municipal Code of Québec (chapter C-27.1) is amended by replacing the second paragraph by the following paragraph:

"However, the report concerning the police force may contain no information referred to in section 263.5 of the Police Act (chapter P-13.1)."

104. Article 212 of the Code is amended by replacing "where, in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation" in paragraph 1 by "where the director or a member of the police force must refuse to communicate or to confirm the existence of information in accordance with section 263.5 of the Police Act (chapter P-13.1)".

TOBACCO TAX ACT

105. Section 13.2.0.1 of the Tobacco Tax Act (chapter I-2) is replaced by the following section:

"**13.2.0.1.** Despite section 72.4 of the Tax Administration Act (chapter A-6.002), a member of the Sûreté du Québec or a member of a municipal police force may sign and issue a statement of offence for any offence under sections 9.2 and 9.2.1."

TOBACCO CONTROL ACT

106. Section 38.2 of the Tobacco Control Act (chapter L-6.2) is replaced by the following section:

"**38.2.** A member of a police force may stop a motor vehicle to enforce paragraph 10.1 of section 2 if the member has reasonable grounds to believe that a person is smoking in the vehicle while a minor under 16 years of age is present in it."

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

107. Section 8 of the Act respecting the Ministère de la Sécurité publique (chapter M-19.3) is amended by replacing the first paragraph by the following paragraph:

"The Minister shall devise and propose to the Government policies, measures and programs concerning, in particular, the maintenance of public safety, crime prevention, the implementation and improvement of methods of crime detection and repression, and the imprisonment of offenders and their reintegration into the community, and shall, where applicable, see to their implementation."

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

"**9.1.** For the purpose of performing his duties, the Minister may provide a grant or any other form of financial assistance in accordance with the Public Administration Act (chapter A-6.01), in particular for carrying out programs, projects, research, studies or analyses."

YOUTH PROTECTION ACT

109. Section 135.2.2 of the Youth Protection Act (chapter P-34.1) is repealed.

ACT TO PROMOTE THE PROTECTION OF PERSONS BY ESTABLISHING A FRAMEWORK WITH REGARD TO DOGS

110. Section 10 of the Act to promote the protection of persons by establishing a framework with regard to dogs (chapter P-38.002) is repealed.

CONSUMER PROTECTION ACT

111. Section 260.32 of the Consumer Protection Act (chapter P-40.1) is repealed.

RULES OF EVIDENCE, PROCEDURE AND PRACTICE OF THE COMITÉ DE DÉONTOLOGIE POLICIÈRE

112. Section 19 of the Rules of evidence, procedure and practice of the Comité de déontologie policière (chapter P-13.1, r. 2.1) is repealed.

BY-LAW TO ESTABLISH THE TRAINING PLAN REGULATION OF THE ÉCOLE NATIONALE DE POLICE DU QUÉBEC

113. Sections 8 and 10 of the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4) are repealed.

AMENDING AND TRANSITIONAL PROVISIONS

114. Unless the context indicates otherwise and with the necessary modifications,

(1) in the Police Act (chapter P-13.1),

(*a*) all occurrences of "Comité de déontologie policière" are replaced by "Tribunal administratif de déontologie policière";

(*b*) all occurrences of "Comité", "committee" and "ethics committee" in sections 91, 185, 203 to 205, 207 to 214, 221, 223, 225, 227 to 230, 232, 237, 240, 255.1, 255.8, 255.10 and 255.11 and the heading of subdivision 3 of Division III of Chapter I of Title IV are replaced by "Tribunal";

(*c*) all occurrences of "Native", "Aboriginal" and "aboriginal" are replaced by "Indigenous";

(*d*) all occurrences of "chairman" and "vice-chairman" are replaced by "chair" and "vice-chair", respectively;

(2) in section 24 of the By-law respecting the internal discipline of members of the Sûreté du Québec (chapter P-13.1, r. 2.01), "Comité de déontologie policière" is replaced by "Tribunal administratif de déontologie policière";

(3) in the Rules of evidence, procedure and practice of the Comité de déontologie policière (chapter P-13.1, r. 2.1), all occurrences of "Comité de déontologie policière", "ethics committee" and "ethics committee's" are replaced by "Tribunal administratif de déontologie policière", "Tribunal" and "Tribunal's", respectively;

(4) in any other Act or regulation, "Comité de déontologie policière" is replaced by "Tribunal administratif de déontologie policière".

115. Unless the context indicates otherwise and with the necessary modifications, in any other document, a reference to the "Comité de déontologie policière" is a reference to the "Tribunal administratif de déontologie policière".

116. Sections 233, 234 and 235 of the Police Act, as amended by, respectively, sections 64, 65 and 66 of this Act, apply to the conduct of a police officer that constitutes a derogatory act under the Code of ethics of Québec police officers (chapter P-13.1, r. 1) prior to 5 October 2023.

CHAPTER II

ENACTMENT OF THE ACT TO ASSIST IN LOCATING MISSING PERSONS

117. The Act to assist in locating missing persons, the text of which appears in this chapter, is enacted.

"ACT TO ASSIST IN LOCATING MISSING PERSONS

"**CHAPTER I**

"INTERPRETATIVE PROVISIONS

"**1.** For the purposes of this Act, a missing person is a person

(1) who has not been in contact with the persons they would normally be in contact with or regarding whom it is reasonable to fear for the health or safety in the circumstances; and

(2) whose whereabouts are unknown, despite reasonable efforts made by a police force to locate the person.

In addition, a person accompanying a missing person is a person regarding whom there are reasonable grounds to suspect that they are accompanying a missing person who is a minor or a person in a vulnerable situation within the meaning of the fifth paragraph of section 2 of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3).

"**2.** This Act does not prevent a person, partnership or other group of persons from communicating information to a member of a police force to assist the member in locating a missing person in the absence of a communication order issued to third parties if the law does not otherwise prohibit them from doing so.

"**CHAPTER II**

"COMMUNICATION ORDER ISSUED TO THIRD PARTIES AND AUTHORIZATION TO ENTER PREMISES

"**3.** A judge of the Court of Québec or a presiding justice of the peace may, on an application made on the basis of an affidavit by a member of a police force, order a person, partnership or other group of persons to communicate information that is referred to in section 4 concerning the missing person or the person accompanying the missing person and that is in the possession or under the control of the person, partnership or other group of persons when they receive the order. The judge or presiding justice of the peace may also order the preparation of a document based on that information and order that the document be communicated.

The judge or presiding justice of the peace may make the order if satisfied that there are reasonable grounds to believe that the information will assist the police force in locating the missing person and that the person, partnership or group of persons has possession or control of the information.

The order specifies the information that must be communicated, the place and form of communication, the name of the member of the police force to whom it must be communicated and the time limit for communicating it. The order may contain any terms and conditions the judge or presiding justice of the peace considers appropriate, in particular to protect lawyers' and notaries' professional secrecy.

Where the judge or presiding justice of the peace who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an application made on the basis of an affidavit by a member of a police force, that public interest warrants it, the judge or justice may vary or revoke the order or set a new time limit.

"**4.** The order made under section 3 may concern, among other things,

(1) information relating to identity;

(2) telephone communications, electronic communications and information relating to a communication device, including

(*a*) signals or other data from a device that may indicate the location of the device;

(*b*) inbound and outbound text messages and calls;

(*c*) Internet browsing history;

(*d*) the brand and model of the device; and

(*e*) information found on social media;

(3) positioning signals and location data, including those provided by a global positioning system (GPS);

(4) photos and videos, including closed-circuit television footage;

(5) health and social services information within the meaning of section 2 of the Act respecting health and social services information (chapter R-22.1);

(6) information relating to a child who receives childcare;

(7) information relating to a student or a homeschooled child;

(8) information relating to an employment, a position or an office;

(9) information relating to means of transportation, travel and accommodation;

(10) financial information, including the place, date and time of the most recent transactions; and

(11) any other information specified in the order that the judge or presiding justice of the peace considers appropriate.

"**5.** No one is excused from complying with an order made under this Act on the ground that information or documents they are required to communicate or prepare are protected by professional secrecy or may tend to incriminate them or subject them to a proceeding or penalty. However, no information or document that a natural person is required to communicate or prepare may be used or received in evidence against them in a proceeding that is subsequently instituted against them, except in a prosecution for perjury, the giving of contradictory testimony or the fabrication of evidence.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

"**6.** A judge of the Court of Québec or a presiding justice of the peace may, on an application made on the basis of an affidavit by a member of a police force, grant authorization to enter premises, including a dwelling house, subject to the conditions specified, if the judge or presiding justice of the peace is satisfied that there are reasonable grounds to believe that the missing person is located in the premises and that it is necessary to enter them in order to ensure the missing person's health or safety.

"**7.** Applications under sections 3 and 6 are made in the sole presence of the member of the police force who makes the application and may be made at a distance using technological means.

"**CHAPTER III**

"COMMUNICATION TO THE PUBLIC

"**8.** The director of a police force or the person designated by the director may, if they consider it necessary in order to assist in locating the missing person, communicate, among other things, the following information to the public:

(1) the name of the missing person and, if applicable, of the person accompanying them;

(2) the age and the physical description of the missing person and, if applicable, of the person accompanying them;

(3) a photo or other visual representation of the missing person and, if applicable, of the person accompanying them;

(4) the condition of the missing person where it represents a risk for their safety or health;

(5) information relating to a means of transportation or mode of travel used by the missing person and, if applicable, by the person accompanying them; and

(6) the location where the missing person was last seen and the circumstances surrounding the disappearance.

"**9.** When the missing person is located, the director of the police force or the person designated by the director may communicate to the public that the missing person has been located or is deceased.

"**CHAPTER IV**

"AMENDING AND FINAL PROVISIONS

"TAX ADMINISTRATION ACT

"**10.** Section 69.0.0.13 of the Tax Administration Act (chapter A-6.002) is amended by replacing "69.0.0.12 or 69.0.2" in the first paragraph by "69.0.0.12, 69.0.2 or 69.0.4.1".

"**11.** The Act is amended by inserting the following section after section 69.0.4:

"**69.0.4.1.** An employee of the Agency may, without the consent of the person concerned, communicate to the member of a police force named in an order made under section 3 of the Act to assist in locating missing persons (2023, chapter 20, section 117) information contained in a tax record and covered by the order."

"**12.** The Minister shall, not later than 5 October 2028, report to the Government on the carrying out of this Act.

Such a report shall be tabled in the National Assembly by the Minister within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

"**13.** The Minister of Public Security is responsible for the administration of this Act."

CHAPTER III

PROVISIONS WITH RESPECT TO CORRECTIONS

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

118. The Act respecting the Québec correctional system (chapter S-40.1) is amended by replacing "convicted" in the first and second paragraphs of section 10 and in section 11 by "found guilty".

119. Section 41 of the Act is amended by replacing the second paragraph by the following paragraph:

"An inmate may apply for a review of a decision of the discipline committee. The review shall be carried out by a person designated by the Minister."

120. Section 66 of the Act is amended by striking out "to a young person within the meaning of the Young Offenders Act (R.S.C. 1985, c. Y-1) who has been committed to custody under that Act or".

121. Section 134 of the Act is amended by replacing "June" in the first paragraph by "September".

122. Section 139 of the Act is amended by replacing ", terminating or cancelling" by "or revoking such an absence or following the automatic end of".

123. Section 150 of the Act is repealed.

124. The Act is amended by inserting the following sections after section 156.1:

"**156.2.** A person serving a sentence for contempt of court in a civil or penal matter is not eligible for temporary absence or conditional release if the person is required to return before the court pursuant to a condition of his or her sentence.

"**156.3.** The parole board is not required to examine the case of an offender if, at the time fixed for the examination,

(1) the person is unlawfully at large;

(2) the person is the subject of an order for preventive detention;

(3) the person has ceased to be eligible for temporary absence or conditional release; or

(4) the person has served his or her entire term of imprisonment.

In the cases referred to in subparagraphs 1 and 2 of the first paragraph, the parole board must, however, examine the case as soon as possible after being informed of the offender's recommitment or interim release, as applicable."

125. Section 160 of the Act is amended by replacing "The decision to grant temporary absence or conditional release shall not take effect" in the first paragraph by "The parole board or a person designated in writing by the parole board may suspend the decision to grant a temporary absence or conditional release".

126. Section 161 of the Act is amended by adding the following paragraph at the end:

"Despite the first paragraph, an offender's temporary absence automatically ends as soon as the offender is the subject of a decision refusing his or her conditional release. In such a case, the parole board or a person designated in writing by the parole board may, if appropriate, issue a warrant of apprehension and order the commitment of the offender."

127. Section 169 of the Act is replaced by the following section:

"**169.** A person may apply for a review of a decision of the parole board refusing or revoking the person's temporary absence or conditional release or ordering its termination.

The examination of an application for review is entrusted exclusively to the permanent review committee of the parole board, composed of members designated by the chair. A member of that committee may also make any other decision that cannot be the subject of an application for review.

An application for review shall be examined by three members of the review committee who did not participate in the decision under review."

128. The heading of Division X of Chapter IV of the Act is replaced by the following heading:

"DECISIONS OF A PUBLIC NATURE".

129. Section 172.1 of the Act is replaced by the following section:

"**172.1.** Parole board decisions rendered under sections 136, 138, 140 and 143, the second paragraph of section 160 and sections 163, 167 and 171 are of a public nature, except information they contain that could

(1) disclose personal information concerning a person to whom such a decision does not apply;

(2) endanger the safety of a person;

(3) reveal a source of information obtained confidentially; or

(4) hinder the reintegration of the offender."

CHAPTER IV

FIRE SAFETY PROVISIONS

FIRE SAFETY ACT

130. Section 24 of the Fire Safety Act (chapter S-3.4) is amended

(1) by replacing "published in a newspaper in the territory of the regional authority" in the second paragraph by "disseminated by any means enabling the population concerned to be informed";

(2) by replacing both occurrences of "published" in the third paragraph by "disseminated".

131. Section 28 of the Act is repealed.

132. Sections 29 and 30 of the Act are replaced by the following sections:

"**29.** The regional authority must revise its fire safety cover plan, beginning not later than eight years after the date it came into force, according to the same procedure as the one prescribed for establishing the plan. The revised plan must come into force not later than 10 years after that date.

The Minister or a person designated by the Minister shall notify the regional authority when it must begin the revision and shall specify the steps required to carry it out.

"**30.** Once the fire safety cover plan is in force, it must, so as to remain up to date, be amended to reflect a change in territorial limits or an increase in risk levels, or for any other valid reason.

The plan must also be amended to reflect new ministerial policies with which it is not in compliance. In such a case, the amendments necessary must be made within 24 months after transmission of the new policies.

Any amendment to the plan to bring it into compliance with ministerial policies or to amend the protection objectives, reduce the measures or extend the deadlines set out in the plan must be made according to the same procedure as the one prescribed for establishing the plan, except an amendment referred

to in the first paragraph, which can be made without any special formality provided the plan remains in compliance with ministerial policies, and the amendment referred to in section 30.1."

133. The Act is amended by inserting the following sections after section 31:

"**31.1.** The Minister may order a regional authority to proceed with the amendment or revision of its fire safety cover plan within the time the Minister determines if the Minister finds that the plan must be amended or revised under this Act.

"**31.2.** If a municipality or an intermunicipal board finds that a disagreement with another municipality or another intermunicipal board prevents it from complying with the optimum protection objectives proposed or determined by the regional authority, it may submit the dispute to the Commission municipale du Québec for arbitration, unless the Minister of Municipal Affairs has already exercised the power provided for in either article 618 or 624.1 of the Municipal Code of Québec (chapter C-27.1) or section 468.49 or 469.2 of the Cities and Towns Act (chapter C-19). Likewise, a power provided for in any of those articles or sections may not be exercised by the Minister of Municipal Affairs if the dispute has been submitted to arbitration under this section.

In addition, if the disagreement concerns the implementation of a signed intermunicipal agreement, the municipality or the intermunicipal board cannot apply for the conciliation provided for in article 622 of the Municipal Code of Québec or section 468.53 of the Cities and Towns Act.

The Commission may, after hearing the regional authority concerned, the interested municipalities and, if applicable, the intermunicipal boards, render any decision it considers equitable so that the municipalities or intermunicipal boards referred to in the first paragraph comply with the proposed or determined optimum protection objectives.

Without limiting the scope of the preceding paragraphs, such a decision may provide that the municipality or intermunicipal board concerned exercises its jurisdiction with respect to fire safety outside its territory, to the extent specified in the decision. In such a case, the municipality or intermunicipal board has all the powers required to comply with the decision."

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

"**35.** Every local authority and every intermunicipal board in charge of the implementation of measures provided for in a fire safety cover plan must adopt by resolution and transmit to the regional authority, within three months after the end of their fiscal year, a report on their fire safety activities for the preceding fiscal year as well as their fire safety projects for the coming year.

The regional authority must also adopt such a report by resolution and transmit it to the Minister within three months after the end of the second fiscal year that follows the date of coming into force of the fire safety cover plan and,

subsequently, every two years. The report must include a status report on the achievement of the determined optimum protection objectives and of the expected actions provided for in the plan.

The regional authority may request from the local authority or the intermunicipal board concerned any information it considers necessary for the purposes of this section. The local authority or the intermunicipal board must provide the regional authority with the requested information within the time determined by the regional authority."

135. Section 47 of the Act is amended by adding the following paragraph at the end:

"The authority referred to in the second paragraph is not entitled to the above exemption if the fire safety cover plan of the regional authority has not been amended or revised as required under this Act."

TRANSITIONAL PROVISION

136. Despite sections 24 and 29 of the Fire Safety Act (chapter S-3.4), as amended by sections 130 and 132 of this Act, if, on 4 October 2023, the fire safety cover plan of a regional authority has reached the end of the fifth year following the date of its coming into force, the authority must begin or continue the revision of the plan in accordance with section 29 of the Fire Safety Act, as it read before being replaced by section 132 of this Act. However, the regional authority is entitled, in such a case, to an additional year in order to complete the revision of the plan.

CHAPTER V

FINAL PROVISIONS

137. This Act comes into force on 5 October 2023, except

(1) sections 1, 2, 13, 14, 87, 88 and 113, which come into force on the date or dates to be set by the Government;

(2) section 15, paragraph 1 of section 17, section 20, paragraphs 1 and 2 of section 21, paragraph 1 of section 23, sections 24, 25 and 27 to 35, paragraph 1 of section 36, sections 37 to 45, subparagraph *a* of paragraph 1 and paragraph 2 of section 46, and sections 47 to 49, 52 and 100, which come into force on 5 October 2024;

(3) sections 83 and 84, which come into force on the date of coming into force of the first regulation made under section 258 of the Police Act (chapter P-13.1), amended by section 83 of this Act; and

(4) section 97, which comes into force on 5 December 2023.

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 29
(2023, chapter 21)

An Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods

Introduced 1 June 2023
Passed in principle 21 September 2023
Passed 3 October 2023
Assented to 5 October 2023

Québec Official Publisher
2023

EXPLANATORY NOTES

This Act mainly proposes amendments to the Consumer Protection Act.

In this respect, the Act introduces a legal warranty of good working order for certain new goods that are commonly used. As regards the warranty of good working order for used automobiles, the Act updates the classes of such automobiles.

The Act enhances the legal warranty of availability of replacement parts and repair services for goods of a nature that requires maintenance work by specifying that the availability of the information necessary to maintain or repair the goods must also be guaranteed. Merchants or manufacturers who are bound by the warranty of availability must make the parts, repair services and information necessary to maintain or repair the goods available at a reasonable price or, when some of the information is accessible on a technological medium, free of charge. The Act also provides that it must be possible to install the replacement parts using commonly available tools, without causing irreversible damage to the goods. In addition, consumers have the right, under certain circumstances, to request the repair of goods requiring it.

Under the Act, merchants must provide information on legal warranties of good working order before entering into a contract that includes an additional warranty. Consumers may resolve such a contract, at their discretion, within 10 days after the contract is entered into.

The Act proposes to prohibit the business of trading in goods for which obsolescence is planned and to prohibit the use of techniques that make it more difficult for consumers to maintain or repair goods. In addition, automobile manufacturers must provide the owner or long-term lessee of a vehicle, or the repairer of the vehicle, with access, in a legible format, to the vehicle's data.

With respect to long-term contracts of lease of automobiles, the Act provides that merchants must propose an inspection free of charge of the automobile before the end of the consumer's lease and specifies the cases in which the merchant may not claim charges for the abnormal wear of goods.

The Act gives the Government the regulatory power to determine technical or manufacturing standards for goods, including standards for interoperability between goods and chargers.

The Act also allows a court to declare, on an application by the consumer, that an automobile is a "seriously defective automobile", in particular if the defects affecting it render it unfit for the purposes for which it was intended and several attempts have been made to repair it.

The amounts of penal fines are increased in the case of the contravention of a provision of the Consumer Protection Act or of a regulation made under it, and monetary administrative penalties may be imposed. The sums collected as a result of the imposition of such penalties are credited to the Access to Justice Fund.

Lastly, the Act contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

− Act respecting the Ministère de la Justice (chapter M-19);

− Consumer Protection Act (chapter P-40.1).

Bill 29

AN ACT TO PROTECT CONSUMERS FROM PLANNED OBSOLESCENCE AND TO PROMOTE THE DURABILITY, REPAIRABILITY AND MAINTENANCE OF GOODS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CONSUMER PROTECTION ACT

1. The Consumer Protection Act (chapter P-40.1) is amended by inserting the following section after section 2:

"**2.0.1.** The provisions of this Act pertaining to legal persons also apply, with the necessary modifications, to partnerships, trusts and associations."

2. Section 6.1 of the Act is amended by replacing "277" by "276.1".

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

"**38.1.** The following new goods that are the object of a contract of sale or long-term contract of lease carry with them a warranty of good working order: a range, a refrigerator, a freezer, a dishwasher, a washing machine, a dryer, a television set, a desktop computer, a laptop computer, an electronic pad, a cellular telephone, a video game console, an air conditioner, a heat pump and any other goods determined by regulation.

The duration of the warranty for the goods referred to in the first paragraph is determined by regulation.

"**38.2.** The warranty provided for in section 38.1 covers parts and labour.

"**38.3.** The warranty provided for in section 38.1 does not cover

(*a*) normal maintenance service and the replacement of parts resulting from it;

(*b*) damage resulting from abuse by the consumer; or

(*c*) any accessory other than that determined by regulation.

"**38.4.** The warranty provided for in section 38.1 takes effect upon the delivery of the goods.

"**38.5.** In the case of repairs under the warranty provided for in section 38.1,

(*a*) the merchant or the manufacturer shall assume the reasonable transportation or shipping costs incurred in respect of the performance of the warranty of good working order;

(*b*) the merchant or the manufacturer shall carry out the repairs to the goods and assume their cost or shall permit the consumer to have the repairs carried out by a third person and shall assume their cost.

"**38.6.** The merchant or the manufacturer is liable for the performance of the warranty provided for in section 38.1 to a consumer who is the subsequent purchaser of the goods.

"**38.7.** The manufacturer of goods carrying a warranty of good working order provided for in section 38.1 must disclose, in the manner and on the conditions prescribed by regulation, the information relating to that warranty that is determined by the regulation.

"**38.8.** The merchant must indicate the duration of the warranty of good working order of the goods referred to in the first paragraph of section 38.1 near their advertised price or, in the case of a long-term lease of the goods, near their retail value, in a prominent manner.

"**38.9.** After a contract of sale or a long-term contract of lease of goods carrying a warranty of good working order provided for in section 38.1 has been entered into, the merchant must send to the consumer, in the manner and on the conditions prescribed by regulation, the information relating to the warranty that is determined by the regulation."

4. Section 39 of the Act is replaced by the following sections:

"**39.** Where goods forming the object of a contract are of a nature that requires maintenance work, the replacement parts, repair services and information necessary to maintain or repair the goods, including, where applicable, any diagnostic software and its updates, must be available for a reasonable time after the contract has been entered into. The information necessary to maintain or repair the goods must be available in French.

It must be possible to install the replacement parts using commonly available tools and without causing irreversible damage to the goods. A regulation may determine cases in which a tool is considered commonly available.

A merchant or a manufacturer may be released from the obligation prescribed in the first paragraph by warning the consumer in writing, before the contract is entered into, that he does not supply the replacement parts, repair services or information necessary to maintain or repair the goods.

A regulation may determine the replacement parts and information necessary to maintain or repair goods in respect of which no merchant or manufacturer may be released from the obligation prescribed by the first paragraph, the time for which those parts and that information must be available and the time within which the merchant or the manufacturer must, at the consumer's request, provide them to the consumer.

For the purposes of this section, goods whose use may require the replacement, cleaning or updating of one of their components are deemed to be of a nature that requires maintenance work.

"**39.1.** The manufacturer must disclose, in the manner and on the conditions prescribed by regulation, the information determined by the regulation relating to the replacement parts, repair services and information necessary to maintain or repair the goods whose availability he guarantees under the first paragraph of section 39.

"**39.2.** The merchant must disclose, before the contract is entered into and in the manner and on the conditions prescribed by regulation, the information determined by the regulation relating to the replacement parts, repair services and information that are necessary to maintain or repair the goods whose availability is guaranteed by the merchant or the manufacturer under the first paragraph of section 39.

"**39.3.** The merchant or the manufacturer who is required to guarantee the availability of a replacement part, a repair service or information necessary to maintain or repair goods under the first paragraph of section 39 must make it available at a reasonable price. However, information necessary to maintain or repair goods, other than automobile data referred to in section 39.4, must be available free of charge when it is accessible on a technological medium.

For the purposes of the first paragraph, the price of a replacement part, a repair service or information necessary to maintain or repair goods is reasonable if it does not discourage the consumer or his mandatary from accessing it.

A regulation may determine cases in which such a price is presumed to discourage access by the consumer or his mandatary.

"**39.4.** The manufacturer of an automobile must provide the automobile owner or long-term lessee, or their mandatary, with access, in a legible format, to the automobile's data for purposes of diagnostic, maintenance or repair. The manufacturer may not be released from that obligation under the third paragraph of section 39.

"**39.5.** Where a merchant or a manufacturer fails to make available the replacement parts, repair services or information necessary to repair goods for the time provided for in section 39, the consumer may request that the merchant or the manufacturer repair the goods requiring it.

The merchant or the manufacturer must advise the consumer in writing, within 10 days of the consumer's request, of the time within which they propose to carry out the repairs.

"**39.6.** If the merchant or the manufacturer fails to provide a response in conformity with the second paragraph of section 39.5, the merchant or the manufacturer must replace the consumer's goods by new or reconditioned goods, with equivalent functionalities, or reimburse the price. In such a case, the consumer must return the goods to the merchant or the manufacturer.

"**39.7.** The consumer may accept or decline a proposal of the merchant or the manufacturer that is in conformity with the second paragraph of section 39.5.

If the consumer accepts the proposal, but the merchant or the manufacturer fails to comply with the time limit specified to repair the goods, section 39.6 applies, with the necessary modifications.

The consumer who declines the proposal may have the repairs carried out by a third person and the merchant or the manufacturer shall assume their reasonable costs."

5. The Act is amended by inserting the following section after section 53:

"**53.1.** On an application by a consumer who is the owner or long-term lessee of an automobile, an automobile is declared a "seriously defective automobile" by the court where

(*a*) attempts to repair one or more defects affecting the automobile have been made under the automobile's basic conventional warranty given gratuitously by the manufacturer, namely

i. three unsuccessful attempts for the same defect;

ii. one or two unsuccessful attempts for the same defect where the merchant or the manufacturer responsible for performing the warranty has had the automobile in his possession for more than 30 days, not including any days for which the merchant or the manufacturer shows that he cannot carry out the repairs by reason of a shortage of parts and that he provides the consumer with a replacement automobile free of charge; or

iii. twelve attempts for unrelated defects;

(*b*) the defects have appeared within three years of the first sale or long-term lease of the automobile to a party other than a merchant authorized by the manufacturer to distribute the automobile where the automobile has not covered more than 60,000 kilometres; and

(*c*) the defects render the automobile unfit for the purposes for which it is ordinarily intended or substantially diminish its usefulness.

The presence of a latent defect is deemed to be affecting an automobile that is declared a seriously defective automobile."

6. Section 54 of the Act is amended by replacing "or 38" in the second paragraph by ", 38 or 39".

7. Section 54.4 of the Act is amended

(1) by inserting the following subparagraphs after subparagraph *d*.1 of the first paragraph:

"(*d*.2) if applicable, the duration of the warranty of good working order provided for in section 38.8;

"(*d*.3) if applicable, the replacement parts, repair services and information necessary to maintain or repair goods whose availability is guaranteed by the merchant or the manufacturer under the first paragraph of section 39;";

(2) by adding the following sentence at the end of the second paragraph: "The written offer must, where applicable, indicate the duration of the warranty of good working order of goods referred to in the first paragraph of section 38.1 near their advertised price or, in the case of a long-term lease of the goods, near their retail value, in a prominent manner."

8. Section 58 of the Act is amended by inserting the following subparagraph after subparagraph *h* of the first paragraph:

"(*h*.1) where applicable, the replacement parts, repair services and information necessary to maintain or repair goods whose availability is guaranteed by the merchant or the manufacturer under the first paragraph of section 39;".

9. The Act is amended by inserting the following section after section 150.9:

"**150.9.1.** No long-term contract of lease may contain a stipulation whereby the merchant may claim

(*a*) charges on the ground that the nature or quality of a part or component installed as part of the normal maintenance service does not satisfy the merchant, unless the contract expressly provides that the goods may only be returned with a component of a specific nature or quality; or

(*b*) charges on the ground that the part is not an original part from the manufacturer or that the maintenance service was not performed by the manufacturer or a merchant approved by the manufacturer."

10. The Act is amended by inserting the following section after section 150.17:

"**150.17.1.** The merchant must offer to the consumer, at least 90 days before the end of the lease, to carry out, free of charge, an inspection of the automobile that is the object of a long-term contract of lease or of any other long-term leased goods determined by regulation.

If the consumer consents to the inspection, it must be carried out not less than 30 days but not more than 60 days before the end of the lease at the consumer's residence or at the establishment of the merchant, at the latter's choice. Following the inspection, the merchant must immediately give the consumer a written report indicating, where applicable, the parts or components of the goods which, in the merchant's opinion, show abnormal wear and the consumer's right to repair these parts or components within 10 days following receipt of the report or to have them repaired by a third person within the same time.

When the goods are returned at the end of the lease, or in the event of a voluntary return or forced repossession of the goods, the merchant who considers that the wear of the goods is abnormal must give the consumer a written notice indicating which parts or components show abnormal wear and mentioning the consumer's right to repair those parts or components within 10 days following receipt of the notice or to have them repaired by a third person within the same time.

No merchant may claim charges for the abnormal wear of a part or component of the goods in the following cases:

(*a*) the merchant did not offer to the consumer to carry out an inspection, in accordance with the first paragraph;

(*b*) the inspection report provided for in the second paragraph was not given to the consumer who consented to the inspection;

(*c*) the written notice provided for in the third paragraph was not given to the consumer; or

(*d*) the merchant sells or re-leases the goods before the end of the 10-day period indicated in the written notice provided for in the third paragraph."

11. Section 156 of the Act is amended by inserting the following subparagraph after subparagraph *d* of the first paragraph:

"(*d*.1) if such is the case, the fact that the automobile has been declared a seriously defective automobile within the meaning of section 53.1;".

12. Section 160 of the Act is amended

(1) by replacing "two" and "40,000" in paragraph *a* by "four" and "80,000", respectively;

(2) by replacing "three" and "60,000" in paragraph *b* by "five" and "100,000", respectively;

(3) by replacing "five" and "80,000" in paragraph *c* by "seven" and "120,000", respectively.

13. Section 182 of the Act is amended by replacing paragraph *a* by the following paragraph:

"(*a*) "household appliance" means a range, a refrigerator, a freezer, a dishwasher, a microwave oven, a washing machine, a dryer, an audio device, an audio-video device, a computer and its peripheral equipment, a cellular telephone, an air conditioner, a dehumidifier, a heat pump or any other goods determined by regulation;".

14. The Act is amended by inserting the following sections after section 227:

"**227.0.1.** No manufacturer may fail to disclose the information referred to in section 38.7 in the manner prescribed by that section.

"**227.0.2.** No merchant may fail to disclose the information referred to in section 38.8 in the manner prescribed by that section.

"**227.0.3.** Subject to any applicable regulations, no merchant or manufacturer may use a technique that has the effect of making it more difficult for the consumer or his mandatary to maintain or repair goods.

A technique referred to in the first paragraph includes the use, by the manufacturer of an automobile, of a technique that has the effect of making it more difficult for the automobile owner or long-term lessee, or their mandatary, to have access to the automobile's data for the purposes of diagnostic, maintenance or repair.

"**227.0.4.** No person may, by any means, carry on the business of trading in goods for which obsolescence is planned. The manufacturer of such goods is deemed to carry on such business.

The obsolescence of goods is planned where a technique aimed at reducing its normal operating life is used on them.

For the purposes of the first paragraph, goods are traded in each time they are offered to a consumer or are the object of a contract entered into with a consumer."

15. The Act is amended by inserting the following sections after section 228.1:

"**228.2.** Before proposing to a consumer to purchase a contract that includes an additional warranty on goods that are the object of a warranty provided for in section 38.1, section 159 or the second paragraph of section 164, the merchant must inform the consumer orally, in the manner prescribed by regulation, of the existence and duration of that warranty.

The third paragraph of section 228.1 applies to this section with the necessary modifications.

"**228.3.** A merchant who proposes to a consumer to purchase a contract of additional warranty on goods or clauses of a contract regarding such a warranty must inform the consumer that he may, within 10 days after the contract has been entered into, resolve the contract without cost or penalty.

The consumer may, at his discretion, by sending the merchant or his representative a written notice, resolve without cost or penalty a contract of additional warranty on goods or clauses of a contract regarding such a warranty within 10 days after the contract has been entered into. That time limit is however extended to one year if the merchant has failed to

(*a*) indicate the duration of the warranty provided for in section 38.1, in accordance with section 38.8;

(*b*) indicate the information relating to the warranty provided for in section 159 on the label that must be affixed on a used automobile under section 155;

(*c*) indicate the information relating to the warranty provided for in the second paragraph of section 164 on the label that must be affixed on a used motorcycle under the first paragraph of section 164;

(*d*) inform the consumer, in accordance with section 228.1; or

(*e*) inform the consumer orally of the existence and duration of the warranty provided for in section 38.1, section 159 or the second paragraph of section 164, in accordance with section 228.2.

The contract of additional warranty or the clauses of a contract regarding such a warranty are resolved by operation of law from the sending of the notice to the merchant or the merchant's representative and the merchant must, as soon as possible, return to the consumer the sum received from the consumer under that contract or those clauses.

This section does not apply to a contract for which the underwriter is an insurer authorized under the Insurers Act (chapter A-32.1)."

16. The Act is amended by inserting the following section after section 237:

"**237.1.** No person may advertise an automobile that has been declared a seriously defective automobile without disclosing that fact."

17. The Act is amended by inserting the following section after section 260.27:

"**260.27.1.** A road vehicle dealer or recycler who sells an automobile to another road vehicle dealer or recycler must disclose to the dealer or recycler, where applicable, the fact that the automobile has been declared a seriously defective automobile within the meaning of section 53.1."

18. The Act is amended by inserting the following chapter after section 276:

"**CHAPTER II.1**

"MONETARY ADMINISTRATIVE PENALTIES

"**276.1.** The Government may determine by regulation the objectively observable failures to comply with a provision of this Act or of a regulation, or with a voluntary undertaking made under section 314 or whose application has been extended by an order made under section 315.1 which may give rise to a monetary administrative penalty imposed by the president.

The Government may also set out the conditions for applying a monetary administrative penalty and determine the amounts or the methods for calculating them. The amounts may vary in particular according to the seriousness of the failure to comply, without exceeding the amount of $1,750 in the case of a natural person or $3,500 in any other case.

"**276.2.** If a failure to comply for which a monetary administrative penalty could be imposed continues for more than one day, it constitutes a new failure for each day it continues.

"**276.3.** In the event of a failure to comply that may give rise to a monetary administrative penalty, a notice of non-compliance may be notified to the person who is failing to comply urging him to immediately take the necessary measures to remedy the failure.

The notice of non-compliance must mention that the failure to comply could, in particular, give rise to a monetary administrative penalty.

The notice of non-compliance must also mention to the person concerned that he has the opportunity to present observations and, where applicable, to produce documents to complete his record while specifying the time limit within which this may be done.

"**276.4.** The imposition of a monetary administrative penalty is prescribed by two years from the date of the failure to comply.

However, when false representations are made to the president, the monetary administrative penalty may be imposed within two years after the date on which the failure to comply was noted by the president.

"**276.5.** A monetary administrative penalty for a failure to comply with a provision of this Act or of a regulation, or with a voluntary undertaking made under section 314 or whose application has been extended by an order made under section 315.1 may not be imposed on the person responsible for the failure to comply if a statement of offence has already been served on that person for a failure to comply with the same provision on the same day, based on the same facts.

For the purposes of this chapter, "person responsible for a failure to comply" means a person on which a monetary administrative penalty is imposed or is likely to be imposed.

"**276.6.** A monetary administrative penalty is imposed on the person responsible for a failure to comply by the notification of a notice of claim.

The notice must state

(*a*) the amount claimed and the due date for payment;

(*b*) the reasons for it;

(*c*) the time from which it bears interest; and

(*d*) the right to contest the imposition of the penalty before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

The amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

"**276.7.** If the person responsible for a failure to comply has failed to pay a monetary administrative penalty, the person's directors and officers are solidarily liable with the person for the payment of the penalty unless they establish that they exercised due care and diligence to prevent the failure.

"**276.8.** The payment of a monetary administrative penalty is secured by a legal hypothec on the movable and immovable property of the debtor.

For the purposes of this chapter, "debtor" means the person responsible for a failure to comply who is required to pay a monetary administrative penalty and, where applicable, each of his directors and officers who are solidarily liable with him for the payment of the penalty.

"**276.9.** The debtor and the president may enter into a payment agreement with regard to the amount owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of penal proceedings or any administrative penalty under this Act or a regulation, an acknowledgement of the facts giving rise to it.

"**276.10.** In the case of a failure to pay the full amount owing or to adhere to the agreement entered into for that purpose, the president may file a decision at the office of the competent court.

The president's decision then becomes enforceable, as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

"**276.11.** The debtor is required to pay recovery charges in the cases and on the conditions determined by regulation."

19. Sections 277 to 282 of the Act are replaced by the following sections:

"**277.** Anyone who contravenes any of sections 19.1, 25 to 28, 32, 36, 38.5, 38.7 to 39.7, 44 to 46, 54.3 to 54.7, 58, 60, 62, 71, 80, 81, 94, 98, 99, 100.2 to 102, 103.4, 105, 111 to 115, 115.2, 119.1 to 122, 125, 126, 126.3, 127, 128, 128.1, 129, 130, 134, 139, 142, 147, 148, 150, 150.4 to 150.7, 150.13, 150.14, 150.17.1, 150.19, 150.20, 150.22, 150.25, 150.30, 150.32, 151, 155 to 157, 168, 170 to 173, 180, 183 to 185, 187.2, 187.7, 187.14, 187.16, 187.17, 187.19, 187.20, 187.24, 187.27, 190, 192, 199 to 201, 206, 208, 211, 214.2, 214.4, 214.9 to 214.11, 214.15, 214.16, 214.25, 228.3, 240, 241, 260.27 to 260.29, 329.3, 330 and 331 is liable, in the case of a natural person, to a fine of $1,500 to $37,500 and, in any other case, to a fine of $3,000 to $75,000.

"**278.** Anyone who contravenes any of sections 10 to 13, 19, 54.13, 54.16, 63, 83, 90 to 92, 103.2, 103.3, 122.1, 123, 124, 126.1, 127.1, 128.3, 136, 150.3.1, 150.9, 150.9.1, 150.26, 179, 187.3 to 187.5, 187.8, 187.15, 187.18, 187.25, 195, 196, 203, 205, 214.3, 214.7, 214.8, 214.14, 214.20, 214.23, 214.24, 214.26 to 214.28, 219 to 228.2, 229 to 239, 242 to 248, 250 to 251.2, 254 to 258, 260.7 to 260.10, 260.12, 260.13, 260.21 and 260.22 is liable

(*a*) to a minimum fine of $2,500 in the case of a natural person and $5,000 in any other case; or

(*b*) to a maximum fine of $62,500 in the case of a natural person and $125,000 in any other case, or of an amount equal to 5% of worldwide turnover for the preceding fiscal year, whichever is greater.

"**279.** Anyone who

(*a*) does not hold a permit although required to hold one under any of the subparagraphs of the first paragraph of section 321;

(*b*) gives false or misleading information to the Minister or the president;

(*c*) hinders the application of this Act or of a regulation;

(*d*) contravenes section 307;

(*e*) does not comply with a voluntary undertaking made under section 314 or whose application has been extended by an order under section 315.1;

(*f*) does not comply with a decision of the president, other than a decision imposing a monetary administrative penalty;

(*g*) does not comply with a requirement of the president under any of sections 311, 312 and 313;

(*h*) being subject to an order of the court under section 288, fails to comply with the order; or

(*i*) on applying for the issuance or renewal of a permit or at any time during the permit's term of validity, acts as a prête-nom, calls on a prête-nom or has a prête-nom among his directors or partners

is liable, in the case of a natural person, to a fine of $3,500 to $87,500 and, in any other case, to a fine of $7,000 to $175,000.

"**280.** Anyone who contravenes a provision of this Act that is not referred to in sections 277 to 279 is liable, in the case of a natural person, to a fine of $600 to $15,000 and, in any other case, to a fine of $1,200 to $30,000.

"**281.** The amounts of the fines prescribed in sections 277 to 280 or in the regulations are doubled for a second or subsequent offence.

"**282.** In determining the amount of the fine, the court takes into account the following factors, among others:

(*a*) the size of the offender's undertaking, assets, turnover, revenues or market share;

(*b*) the offender's failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender's ability to do so;

(*c*) the pecuniary benefit and the other benefits that were derived or could have been derived from the commission of the offence;

(*d*) the economic loss caused to consumers by the commission of the offence;

(*e*) the number of consumers who were wronged or could have been wronged by the commission of the offence; and

(*f*) the offender's past conduct as regards compliance with this Act, in particular failure to act on warnings aimed at preventing the offence.

A court that, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

"**282.1.** If a person commits an offence under this Act or a regulation, any of the person's directors, officers, mandataries, representatives or ultimate beneficiaries, within the meaning of section 0.4 of the Act respecting the legal publicity of enterprises (chapter P-44.1), is presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence or, in the case of an ultimate beneficiary, it is established that he does not have any influence enabling him to have control in fact of the person.

For the purposes of the first paragraph, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

For the purposes of the first paragraph, in the case of an association, all members are presumed to be directors of the association unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the association."

20. Section 287 of the Act is repealed.

21. Section 288 of the Act is amended by replacing "under a provision of section 278" in the first paragraph by "constituting a prohibited practice or an offence under section 279".

22. Section 289 of the Act is amended by replacing "section 278" by "sections 277 to 280".

23. Section 290.1 of the Act is amended

(1) by replacing "shall be" in the first paragraph by "or of a regulation are";

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

"However, penal proceedings for an offence under section 227.0.4 are prescribed by five years from the date of the commission of the offence."

24. Section 321 of the Act is amended by inserting "a contract underwritten by" after "except" in subparagraph *d* of the first paragraph.

25. Section 325 of the Act is amended

(1) by striking out "or" at the end of paragraph *d*;

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

"(*f*) despite a monetary administrative penalty having been imposed on the applicant for a failure to comply with a provision of this Act or of a regulation, the applicant still fails to comply with the provision;

"(*g*) the applicant has failed to pay a monetary administrative penalty for which the time limit for contestation before the Administrative Tribunal of Québec has expired; or

"(*h*) in his opinion, there are reasonable grounds to believe that the applicant acts as a prête-nom, calls on a prête-nom or has a prête-nom among the applicant's directors or partners."

26. Section 326 of the Act is amended

(1) by inserting "or a regulation" after "this Act";

(2) by adding the following sentence at the end: "The president may also require the ultimate beneficiary, within the meaning of section 0.4 of the Act respecting the legal publicity of enterprises (chapter P-44.1), to comply with the same requirements."

27. Section 329 of the Act is amended by adding the following paragraphs at the end:

"(*f*) does not comply with a provision of this Act or a regulation despite a monetary administrative penalty having been imposed on him for a failure to comply with the provision;

"(*g*) fails to pay a monetary administrative penalty for which the time limit for contestation before the Administrative Tribunal of Québec has expired; or

"(*h*) acts as a prête-nom, calls on a prête-nom or has a prête-nom among his directors or partners."

28. Section 338 of the Act is replaced by the following section:

"**338.** In accordance with the terms and conditions prescribed by regulation, the security is to be used, in the following order,

(*a*) to compensate any consumer who has a claim against the person who gave the security or that person's representative;

(*b*) to pay the fine imposed on the person who gave the security or that person's representative; and

(*c*) to pay the monetary administrative penalty imposed on the person who gave the security."

29. Section 338.1 of the Act is amended, in the first paragraph,

(1) by inserting ", in the following order," after "used" in the introductory clause;

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

"(*e*) to pay the monetary administrative penalty imposed on the person who gave the security."

30. Section 339 of the Act is replaced by the following section:

"**339.** A decision of the president may be contested before the Administrative Tribunal of Québec, within 30 days of notification of the decision, by

(*a*) any person whose application for a permit has been dismissed or whose permit has been suspended or cancelled;

(*b*) any merchant for whom a provisional administrator has been appointed; or

(*c*) any person on whom a monetary administrative penalty has been imposed.

In the case of a decision referred to in subparagraph *c* of the first paragraph, the Tribunal may only confirm or quash the contested decision."

31. The Act is amended by inserting the following section after section 340:

"**340.1.** When rendering a decision concerning a notice of claim referred to in section 276.6, the Tribunal may rule on the interest accrued between the date the contestation was brought and the date of the Tribunal's decision."

32. Section 350 of the Act is amended

(1) by inserting the following paragraphs after paragraph *d*:

"(*d*.1) determining technical or manufacturing standards for goods, including standards for ensuring interoperability between goods and chargers, and prescribing in what cases and on what terms and conditions they apply;

"(*d*.2) establishing standards relating to the content and physical presentation of the information on the standards referred to in paragraph *d*.1 and prescribing in what cases and on what terms and conditions they apply;

"(*d*.3) determining the duration of the warranty of good working order for the goods referred to in the first paragraph of section 38.1;

"(*d*.4) determining any other new goods to which the warranty of good working order provided for in section 38.1 applies;

"(*d*.5) determining, for the purposes of paragraph *c* of section 38.3, any accessory included in the warranty provided for in section 38.1;

"(*d*.6) determining, for the purposes of section 38.7, the information the manufacturer must disclose to the consumer, the manner in which it is to be disclosed and the applicable conditions;

"(*d*.7) determining, for the purposes of section 38.9, the information the merchant must provide to the consumer, the manner in which it is to be provided and the applicable conditions;

"(*d*.8) determining the replacement parts and information necessary to maintain or repair goods in respect of which no merchant or manufacturer may be released from the obligation prescribed by the first paragraph of section 39, the time for which those parts and that information must be available and the time within which the merchant or the manufacturer must provide them to the consumer;

"(*d*.9) determining, for the purposes of section 39.1, the information the manufacturer must disclose to the consumer, the manner in which it is to be disclosed and the applicable conditions;

"(*d*.10) determining, for the purposes of section 39.2, the information the merchant must disclose to the consumer, the manner in which it is to be disclosed and the applicable conditions;

"(*d*.11) determining, for the purposes of section 39.3, cases in which a price is presumed to discourage access by the consumer or his mandatary;

"(*d*.12) determining, for the purposes of section 150.17.1, all other goods leased on a long-term basis;";

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

"(*z*.7) determining the objectively observable failures to comply with a provision of this Act or of a regulation, or with a voluntary undertaking made under section 314 or whose application has been extended by an order made under section 315.1 which may give rise to the imposition of a monetary administrative penalty, setting out the conditions for applying the penalty and determining the amounts or the methods for calculating them. The amounts may vary according to the seriousness of the failure to comply, without exceeding the amounts provided for in section 276.1; and

"(*z*.8) determining among the provisions of a regulation those whose contravention constitutes an offence and setting for each offence the minimum and maximum amounts of the fines to which the offender is liable, which may not exceed those referred to in section 279."

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

33. Section 32.0.3 of the Act respecting the Ministère de la Justice (chapter M-19) is amended by inserting the following paragraph after paragraph 2.1:

"(2.2) the amounts from the monetary administrative penalties imposed under section 276.6 of the Consumer Protection Act (chapter P-40.1);".

34. The Act is amended by inserting the following section after section 32.0.5:

"**32.0.5.1.** The amounts referred to in paragraph 2.2 of section 32.0.3 are reserved for the carrying out of projects or activities geared towards consumers."

TRANSITIONAL AND FINAL PROVISIONS

35. Section 9 does not apply to long-term contracts of lease in force on 5 October 2023 unless they have been amended after that date.

Stipulations in contracts in force that are contrary to section 150.9.1 of the Consumer Protection Act (chapter P-40.1), as enacted by section 9 of this Act, are without effect for the future.

36. Section 10 does not apply to long-term contracts of lease in force on 5 April 2024.

37. This Act comes into force on 5 October 2023, except

(1) the provisions of section 10, section 12 and section 32 insofar as it enacts paragraph *d*.12 of section 350 of the Consumer Protection Act, which come into force on 5 April 2024;

(2) the provisions of section 2, section 18, section 19, except to the extent that it enacts section 277 of the Consumer Protection Act as concerns contraventions of sections 38.7 to 38.9 and 39 to 39.7 of that Act, sections 21 and 22, section 25, sections 27 to 31, paragraph 2 of section 32, and sections 33 and 34, which come into force on 5 January 2025;

(3) the provisions of section 4, section 7 insofar as it enacts subparagraph *d*.3 of the first paragraph of section 54.4 of the Consumer Protection Act, section 8, section 14 insofar as it enacts section 227.0.3 of the Consumer Protection Act, section 19 insofar as it enacts section 277 of the Consumer Protection Act as concerns contraventions of sections 39 to 39.7 of that Act, and section 32 insofar as it enacts paragraphs *d*.8 to *d*.11 of section 350 of the Consumer Protection Act, which come into force on 5 October 2025;

(4) the provisions of section 3, paragraph 1, insofar as it enacts subparagraph *d*.2 of the first paragraph of section 54.4 of the Consumer Protection Act, and paragraph 2 of section 7, section 14 insofar as it enacts sections 227.0.1 and 227.0.2 of the Consumer Protection Act, section 15 insofar as it enacts section 228.2 and the second sentence of the second paragraph of section 228.3 of the Consumer Protection Act, section 19 insofar as it enacts section 277 of the Consumer Protection Act as concerns contraventions of sections 38.7 to 38.9 of that Act, and section 32 insofar as it enacts paragraphs *d*.3 to *d*.7 of section 350 of the Consumer Protection Act, which come into force on 5 October 2026.

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 33
(2023, chapter 22)

An Act respecting the collective agreements of the special constables and the bodyguards of the Gouvernement du Québec

Introduced 13 September 2023
Passed in principle 20 September 2023
Passed 4 October 2023
Assented to 5 October 2023

Québec Official Publisher
2023

EXPLANATORY NOTES

This Act allows the collective agreement of the special constables and that of the bodyguards of the Gouvernement du Québec to have a term exceeding the three-year term provided for in section 111.1 of the Labour Code, provided the first agreement expires not later than 31 March 2028 and the second expires not later than 31 March 2032.

Bill 33

AN ACT RESPECTING THE COLLECTIVE AGREEMENTS OF THE SPECIAL CONSTABLES AND THE BODYGUARDS OF THE GOUVERNEMENT DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The recommendations of the joint parity committee instituted for the Syndicat des constables spéciaux du gouvernement du Québec that relate to the collective agreement following the one that expired on 31 March 2020 may be approved by the Government despite the fact that they have the effect of a collective agreement whose term exceeds the three-year term provided for in section 111.1 of the Labour Code (chapter C-27), provided that agreement expires not later than 31 March 2028.

In such a case, the reference to paragraph *d* of section 22 of the Labour Code in section 111.3 of that Code must be read as a reference to paragraph *e* of that section 22.

2. The recommendations of the joint parity committee instituted for the Association professionnelle des gardes du corps du gouvernement du Québec inc. that relate to the collective agreement following the one that expired on 31 March 2020 may be approved by the Government despite the fact that they have the effect of a collective agreement whose term exceeds the three-year term provided for in section 111.1 of the Labour Code, provided that agreement expires not later than 31 March 2032.

In such a case, the reference to paragraph *d* of section 22 of the Labour Code in section 111.3 of that Code must be read as a reference to paragraph *e* of that section 22.

3. This Act comes into force on 5 October 2023.

Regulations and other Acts

Gouvernement du Québec

O.C. 1527-2023, 18 October 2023

Parks Act
(chapter P-9)

Parks
—Amendment

Regulation to amend the Parks Regulation

WHEREAS, under subparagraph *e* of section 9 of the Parks Act (chapter P-9), the Government may make regulations, in respect of a park, to prohibit or regulate the possession and transport of arms, hunting gear or fishing tackle;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Parks Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 June 2023 with a notice that it may be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Parks Regulation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Parks Regulation

Parks Act
(chapter P-9, s. 9, par. *e*)

1. The Parks Regulation (chapter P-9, r. 25) is amended by replacing section 23 by the following:

"**23.** The possession of arms or hunting implements is prohibited in a park.

However, the prohibition concerning the possession of arms or hunting implements provided for in the first paragraph does not apply to a person authorized under a licence issued in accordance with the first paragraph of section 47 of the Act respecting the conservation and development of wildlife (chapter C-61.1).

In addition, the prohibition concerning the possession of arms provided for in the first paragraph does not apply to employees of a contracting party referred to in section 8.1 or 8.1.1 of the Parks Act (chapter P-9) acting in the performance of their functions in a park situated north of the 55th parallel.".

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

106513

Gouvernement du Québec

O.C. 1528-2023, 18 October 2023

Financial Administration Act
(chapter A-6.001)

Savings products
—Amendment

Regulation amending Regulation respecting savings products

WHEREAS under paragraph 1 of section 73 of the Financial Administration Act (chapter A-6.001), for the purposes of Division II of Chapter VII of that Act, the Government may, by regulation, define the book based system and determine its mode of operation and characteristics as well as ownership and evidentiary rules concerning entries made in the system;

WHEREAS under paragraph 3 of that section, for the purposes of that division, the Government may, by regulation, determine the terms and conditions of assignment, transfer and payment of securities;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation amending Regulation respecting savings products was

published in Part 2 of the *Gazette officielle du Québec* on 26 July 2023 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 this Regulation without amendment;

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

THAT the Regulation amending Regulation respecting savings products, attached hereto, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation amending Regulation respecting savings products

Financial Administration Act
(chapter A-6.001, s. 73, par. 1 to 3)

1. Section 5 of the Regulation respecting savings products (chapter A-6.001, r. 9) is amended by:

(1) inserting, in paragraph 2, "or a Tax-Free First Home Savings Account (FHSA)" after "(TFSA)";

(2) replacing paragraph 3 by the following:

"(3) an account relating to a registered plan within the meaning of the Taxation Act (chapter I-3) or the Income Tax Act (R.S.C. 1985, c. 1 (5th supp.)), in which the participant's securities are held by a trustee in the participant's name, such as a retirement savings account, an education savings account or a disability savings account, or an account associated with a retirement fund or other fund or plan of the same nature, insofar as the accounts are offered by Épargne Placements Québec.".

2. Second paragraph of section 37 of this regulation is amended by:

(1) replacing, in the subparagraph b of the subparagraph 1, "a registered retirement savings account" by "an account relating to a Registered Retirement Savings Plan";

(2) adding, after the subparagraph b of the subparagraph 1, the following:

"(*c*) a Tax-Free First Home Savings Account (FHSA), referred to in paragraph 2 of section 5;";

(3) adding, at the end, the following:

"(3) from a Tax-Free First Home Savings Account (FHSA), referred to in paragraph 2 of section 5, to one of the following accounts:

(*a*) an account relating to a Registered Retirement Savings Plan, referred to in paragraph 3 of section 5;

(*b*) an account relating to a Registered Retirement Income Fund (RRIF), referred to in paragraph 3 of section 5;

(4) from an account relating to a Registered Retirement Savings Plan, referred to in paragraph 3 of section 5, to a Tax-Free First Home Savings Account (FHSA), referred to in paragraph 2 of section 5.3.".

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

106516

M.O., 2023

Order 2023-5103 of the Minister of Justice dated 19 October 2023

Civil Code

Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project
(2023, chapter 13)

Designation of professional orders to permit their members to be qualified to hold an information meeting in the context of certain parental projects involving surrogacy

THE MINISTER OF JUSTICE,

CONSIDERING the first paragraph of article 541.11 of the Civil Code, which provides that the woman or the person who has agreed to give birth to the child must, before the beginning of the pregnancy, meet with a professional qualified to inform the woman or the person of the psychosocial implications of the surrogacy project and of the ethical issues it involves, and that same requirement applies to the person alone or the spouses who formed the parental project;

CONSIDERING the first paragraph of article 541.29 of the Civil Code, which provides that the person alone or the spouses who formed the parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec must meet with a professional qualified to inform them of the psychosocial implications of such a project and of the ethical issues it involves;

CONSIDERING the third paragraphs of articles 541.11 and 541.29 of the Civil Code, which provide that the professional must be a member of a professional order designated by the Minister of Justice;

ORDERS AS FOLLOWS:

(1) The following professional orders are hereby designated:

— Ordre des psychologues du Québec;

— Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec;

— Ordre des sages-femmes du Québec;

— Ordre des sexologues du Québec.

(2) This Order comes into force on the date of coming into force of section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project, insofar as it enacts article 541.11 of the Civil Code, except as concerns article 541.29 of the Civil Code that comes into force on the date of coming into force of section 20 of that Act, insofar as it enacts article 541.29 of the Civil Code.

Québec, 19 October 2023

SIMON JOLIN-BARRETTE
Minister of Justice

106527

Draft Regulations

Draft Regulation

Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1)

2023 upper limit of kill for moose

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting the 2023 upper limit of kill for moose, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation gives effect to the 16 December 2022 decision of the Comité conjoint de chasse, de pêche et de piégeage establishing the upper limit of kill for moose allocated to the Native people and non-Natives in Area 17. The draft Regulation limits to not more than 104 the number of moose that may be harvested in that area for the period from 1 July 2023 to 30 June 2024.

Further information on the draft Regulation may be obtained by contacting Gaétan Roy, analyst, hunting and trapping regulations, Service des affaires législatives fauniques, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691, extension 707394; email: gaetan.roy@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jacob Martin-Malus, Assistant Deputy Minister for Biodiversity, Wildlife and Parks, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 675, boulevard René-Lévesque Est, 30e étage, Québec (Québec), G1R 5V7; email: melanie.fortin@environnement.gouv.qc.ca.

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

Regulation respecting the 2023 upper limit of kill for moose

Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1, s. 78, 1st par., subpar. *f* and 3rd par.)

1. The upper limit of kill for moose allocated to the Native people and non-Natives in Area 17 determined by the Regulation respecting fishing and hunting areas (chapter C-61.1, r. 34) is 104 moose for the period from 1 July 2023 to 30 June 2024.

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

106514

Draft Regulation

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

Certification of private seniors' residences — Amendment

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the certification of private seniors' residences, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The aim of the draft Regulation is to circumscribe the obligation, for the operators of category 3 and 4 private seniors' residences, to take all the measures necessary to prevent residents prone to wandering from leaving the residence without the knowledge of the staff members or the persons responsible for providing supervision. The obligation includes an obligation to install a security device on each door of the congregate residential facility in which the residence is located that is identified, in the fire safety plan for the residence, as a door that may be used to evacuate the residence. It also includes the obligation, for such operators, to see to the establishment of a procedure for staff members regarding their course of action in the event of an alert from the security device. The security device may be deactivated when there is no resident prone to wandering in the residence.

The draft Regulation specifies that the amendments made will apply starting on 15 July 2024 for the operators of category 3 private seniors' residences, and starting on 15 December 2023 for the operators of category 4 private seniors' residences.

The draft Regulation again amends the time limit for complying with the requirements concerning the training that a care attendant for personal assistance services must have completed before working in that capacity. More specifically, a care attendant must comply with the requirements not later than one year after beginning work.

In accordance with sections 12 and 13 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the 45 days provided for in section 11 of that Act because of the urgency, in the opinion of the Government, of the following circumstances:

1° category 2 and 3 private seniors' residences would come under increased pressure if the obligation concerning the installation of a security device came into effect, as planned, on 15 December 2023;

2° hiring difficulties could endanger the health and safety of the residents of private seniors' residences if, on the same date, the requirement that care attendants for personal assistance complete the necessary training before beginning work became applicable;

3° the operators of private seniors' residences who failed to comply with the requirements would be in a situation of non-compliance since they would have committed an offence;

4° there is a real risk of service disruption and the closure of private seniors' residences.

The draft Regulation will have an impact on enterprises, in particular in financial terms.

Further information may be obtained by contacting Valérie Godreau, temporary director of residential and housing services, Direction générale des aînés et des proches aidants, Ministère de la Santé et des Services sociaux; 1075, chemin Sainte-Foy, 4e étage, Québec (Québec) G1S 2M1; email: valerie.godreau@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to the Minister Responsible for Seniors; 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1; email: ministre.deleguee@msss.gouv.qc.ca.

Sonia Bélanger
Minister Responsible for Seniors

Regulation to amend the Regulation respecting the certification of private seniors' residences

Act respecting health services and social services
(chapter S-4.2, s. 346.0.6, pars. 2, 2.1 and 6)

1. The Regulation respecting the certification of private seniors' residences (chapter S-4.2, r. 0.01), as amended by section 24 of the Regulation to amend the Regulation respecting the certification of private seniors' residences, enacted by order in council 1574 2022 dated 17 August 2022, is again amended in section 24

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

"The operator of a category 3 or 4 private seniors' residence must take all the measures necessary to prevent residents prone to wandering from leaving the residence without the knowledge of the staff members or the persons responsible for providing supervision, including the installation of a security device on each door of the congregate residential facility in which the residence is located that is identified, in the fire safety plan for the residence, as a door that may be used to evacuate the residence, and that, in such a case, alerts a staff member or person responsible for providing supervision, and also including the establishment of a procedure for staff members regarding their course of action in the event of an alert.";

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

"The security devices referred to in the first and second paragraphs may be deactivated when there is no resident prone to wandering in the residence.".

2. Section 28 is amended by replacing "before beginning work" in the first and second paragraphs by "not later than one year after the date on which the care attendant begins work".

3. Section 57 is amended by replacing "category 2, 3 or 4" in the part preceding subparagraph 1 of the fourth paragraph by "category 3 or 4".

4. Section 24, as it read on 14 December 2023, continues to apply to every operator of a category 3 private seniors' residence until 15 July 2024.

5. The provisions of this Regulation come into force on 15 December 2023, except the provisions of section 1, which come into force on 15 July 2024 with respect to the operators of category 3 private seniors' residences.

106523

Draft Regulation

Civil Code of Québec
(Civil Code; 2023, chapter 13)

Conduct of the mandatory information meeting in the context of certain parental projects involving surrogacy

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the conduct of the mandatory information meeting in the context of certain parental projects involving surrogacy, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the standards relating to the conduct of the information meeting on the psychosocial implications of a parental project involving surrogacy and the ethical issues it involves. Under the Civil Code, the conduct of the meeting is mandatory in the context of a parental project that allows for the legal establishment of filiation and in a parental project in which the woman or the person who agreed to give birth to the child is domiciled outside Québec. Specifically, the Regulation sets out the elements that must be addressed in the meeting in order to inform the person alone or the spouses having formed a parental project involving surrogacy and the woman or the person who agreed to give birth to the child. The Regulation specifies a minimum duration for such a meeting.

Further information on the draft Regulation may be obtained by contacting Nancy Allaire, Direction du soutien aux orientations, des affaires législatives et de la refonte, Ministère de la Justice, 1200, route de l'Église, 4e étage, Québec (Québec) G1V 4M1; telephone: 418 643-0424, extension 21688; email: nancy.allaire@justice.gouv.qc.ca.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1.

Simon Jolin-Barrette
Minister of Justice

Regulation respecting the conduct of the mandatory information meeting in the context of certain parental projects involving surrogacy

Civil Code of Québec
(Civil Code, arts. 541.11 and 541.29;
2023 chapter 13, s. 20)

1. This Regulation determines the standards relating to the conduct of the information meeting on the psychosocial implications of a parental project involving surrogacy and the ethical issues it involves. Pursuant to articles 541.11 and 541.29 of the Civil Code, the conduct of the meeting is mandatory in the context of parental projects involving surrogacy that allow for the legal establishment of the child's filiation and in the context of parental projects involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec.

2. Regarding the psychosocial implications of a parental project involving surrogacy, the information meeting must address

(1) the reasons leading a person alone or spouses to form a parental project and a woman or a person to contribute to such a project by agreeing to give birth to the child;

(2) the elements to consider in matching the person alone or the spouses who formed the parental project with the woman or the person who has agreed to give birth to the child;

(3) the relations between the person alone or the spouses who formed a parental project and the woman or the person who has agreed to give birth to the child at each stage of the process;

(4) the emotional attachment that the woman or the person who has agreed to give birth to the child may experience both during the pregnancy and after giving birth;

(5) the role of the woman or the person who has agreed to give birth to the child, the perception of that role, in particular by third persons, and the recognition of that woman or that person's contribution;

(6) the expectations and concerns of the person alone or the spouses who formed the parental project and of the woman or the person who has agreed to give birth to the child;

(7) the various grieving processes that may be experienced by the person alone or the spouses who formed a parental project and of the woman or the person who has agreed to give birth to the child;

(8) the pressure that may be experienced or felt by the person alone or the spouses who formed the parental project and by the woman or the person who has agreed to give birth to the child;

(9) the disclosure by the person alone or the spouses of the parental project involving surrogacy or by the woman or the person of having agreed to contribute to such a project to their family and friends, as well as any impact that such a project may have on the latter.

3. Regarding the ethical issues associated with a parental project involving surrogacy, the information meeting must address

(1) autonomous decision-making by the woman or the person who has agreed to give birth to the child at each stage of the process;

(2) the importance of the free and informed consent of the woman or the person who has agreed to give birth to the child at each stage of the process;

(3) the importance of the free and informed consent of the person alone or the spouses who formed the parental project before committing to such a project;

(4) the child's right to know their origins;

(5) the importance for the woman or the person who has agreed to give birth to the child to contribute gratuitously to the parental project and the issues relating to socioeconomic inequalities between that woman or that person and the person alone or the spouses who formed the parental project.

4. For a parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec, the information meeting on the psychosocial implications of such a parental project must also address

(1) the cultural and linguistic differences that the person alone or the spouses who formed the parental project may be confronted with and the impact of those differences on relations;

(2) the impact that geographical distance may have on the relations between the person alone or the spouses who formed the parental project and the woman or the person who has agreed to give birth to the child.

5. The information meeting must have a minimum duration of 3 hours.

6. This Regulation comes into force on the date of coming into force of section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project insofar as it enacts article 541.11 of the Civil Code, except section 4 of this Regulation, which comes into force on the date of coming into force of section 20 of the Act, insofar as it enacts article 541.29 of the Civil Code, and sections 1 to 3 and 5 of this Regulation, which apply to a parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is, as of that date, domiciled outside Québec.

106526

Draft Regulation

Educational Childcare Act
(chapter S-4.1.1)

Educational childcare
— 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 Educational Childcare Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Educational Childcare Regulation (chapter S-4.1.1, r. 2) to extend temporary measures concerning the presence of qualified childcare staff while childcare is being provided. The draft Regulation introduces a requirement that, until 31 March 2027, the holder of a childcare centre permit or day care centre permit must ensure that at least one childcare staff member out of two is qualified and present each day with the children while childcare is being provided. Moreover, the draft Regulation adds two situations to those that make it possible to achieve a qualified staff ratio of one out of three.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses. As regards the public, the draft Regulation aims to prevent potential interruptions in educational childcare services.

Further information on the draft Regulation may be obtained by contacting Daniel Lavigne, coordinator, Direction de l'encadrement du réseau, Ministère de la Famille, 600, rue Fullum, 6e étage, Montréal (Québec) H2K 4S7; telephone: 514 873-7200, extension 86111; email: encadrement@mfa.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Patrick Thierry Grenier, Assistant Deputy Minister, Sous-ministériat des politiques et programmes, Ministère de la Famille, 425, rue Jacques-Parizeau, 4e étage, Québec (Québec) G1R 4Z1.

Suzanne Roy
Minister of Families

Regulation to amend the Educational Childcare Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106, 1st par., subpars. 13.1 and 31)

1. The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended in section 23

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

"A permit holder must ensure that at least 2 childcare staff members out of 3 are qualified and present each day with the children while childcare is being provided, subject to section 23.1.";

(2) by replacing "If" in the second paragraph by "In all circumstances, if".

2. Sections 23.1 and 23.2 are replaced by the following:

"**23.1.** Under the conditions and in the circumstances provided for herein, a permit holder is exempted from ensuring compliance with the ratio referred to in the first paragraph of section 23 and must ensure that the minimum number of qualified childcare staff members present each day with the children while childcare is being provided respects the ratio of

(1) at least 1 childcare staff member out of 2, until 31 March 2027;

(2) at least 1 childcare staff member out of 3,

(*a*) until 5 years have elapsed since the initial issuance of the permit;

(*b*) until 5 years have elapsed since the permit was modified to increase, by 8 or more, the maximum number of children that may be provided with childcare in the permit holder's facility;

(*c*) until 5 years have elapsed since a first subsidy agreement was entered into by the Minister and the holder of a day care centre permit, provided that the agreement was entered into after 31 October 2023;

(*d*) while childcare is being provided during the first and last business hour of the permit holder's core hours.".

3. Section 123.1 is amended by replacing "23 to 23.2" in the first paragraph by "23, 23.1".

4. This Regulation comes into force on 1 March 2024.

106515

Draft regulation

Health Insurance Act
(chapter A-29)

Regulation
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft regulation to amend the Regulation respecting the application of the Health Insurance Act, the text of which appears hereafter, may be made by the Government on the expiry of 45 days following this publication.

This draft regulation aims mainly to allow, under certain conditions, services provided as part of an assisted procreation project involving a surrogate pregnancy or a person at high risk of conceiving a child with a serious, severely debilitating, or fatal disease for which there is no known treatment be considered insured services for the purposes of the Health Insurance Act (chapter A-29).

This draft regulation would not entail any additional costs for enterprises, in particular, on small or medium-sized enterprises, and would not affect the level of employment in Québec.

Additional information concerning this draft regulation is available by contacting Sabrina Fortin, director, Direction santé mère-enfant, ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 6e étage, Québec (Québec) G1S 2M1, 581 814-9100 extension 62688, or sabrina.fortin@msss.gouv.qc.ca.

Anyone wishing to comment on this draft regulation may write, before the expiry of the 45-day period mentioned above, to Sabrina Fortin at the above contact information.

Christian Dubé
Minister of Health

Regulation to amend the Regulation respecting the application of the Health Insurance Act

Health Insurance Act
(chapter A-29, s. 69, 1st para., subpara. *c*.2)

1. The definition of "assisted procreation project" set out in section 34.3 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended by replacing "using, if needed," by "resorting to, if needed, a woman or person who is not party to the project to give birth to these children, or".

2. Section 34.4 of the Regulation is amended:

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

"(*c*) in the case of spouses, either is in one of the following situations:

i. infertile;

ii. unable to reproduce;

iii. at high risk of conceiving a child with a monogenic hereditary disease or an inherited chromosomal disorder resulting in a serious, severely debilitating or fatal disease for which there is no known treatment;";

2° by inserting, after the first paragraph, the following:

"For the purposes of subparagraph (*a*) 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 the fact that they are resident in Québec and in active service in the Canadian Armed Forces is considered an insured person.";

3° by replacing, in the second paragraph, "Every person party to the assisted procreation project must declare, using the form provided by the Board, that he or she meets" by "The person alone or spouses party to the assisted procreation project must declare, using the form provided by the Board, that they meet".

3. Section 34.5 of the Regulation is amended:

1° by replacing "by providing reproductive material free of charge" by "by agreeing to give birth to a child or by providing reproductive material free of charge if that person has not undergone voluntary surgical sterilization or had reanastomosis of the uterine tubes or the vas deferens, as the case may be, within the meaning of paragraphs *b* and *c* of section 34.2";

2° by adding, at the end, the following paragraph:

"In addition, when a woman or person contributes to the assisted procreation project by agreeing to give birth to a child, services are provided only if no other woman or person simultaneously contributes to the project by agreeing to give birth to a child resulting from the project.".

4. Section 34.6 of the Regulation is amended:

1° by replacing, in subparagraph (*a*), "18 years of age or over and" by "or the person is";

2° by inserting after "woman" in subparagraph (*b*), "or the person";

3° by replacing subparagraph (*c*) by the following:

"(*c*) the person alone or spouses party to the assisted procreation project must be 18 years of age or over at the time the first service is provided in the course of the assisted procreation project;

(*d*) the person who contributes to the assisted procreation project by providing reproductive material free of charge is 18 years of age or over at the time the first service is provided in relation to its contribution.";

4° by adding, at the end, the following paragraph:

"In the case of a woman or person who contributes to the assisted procreation project without being a party to it by agreeing to give birth to the child, the services are considered insured only if she is at least 21 years of age and meets the conditions relating to the maximum age set out in subparagraphs (*a*) and (*b*) of the first paragraph.".

5. Section 34.8 of the Regulation is amended:

1° by replacing "to retrieve eggs;" by "for a single egg retrieval procedure;" in subparagraph (*c*) of the first paragraph;

2° by adding, at the end of the first paragraph, the following subparagraph:

"(*h*) embryo biopsy and preimplantation genetic testing for all embryos obtained from an IVF cycle.";

3° by replacing in the second paragraph "two ovulatory cycles if no egg is obtained at the end of the first ovulatory cycle" by "a second ovulatory cycle if, during the first cycle, the number of follicles is insufficient and egg retrieval has not taken place";

4° by adding, at the end, the following paragraph:

"The services referred to in subparagraph (*h*) of the first paragraph are considered to be insured only if the embryos were created using the genetic material of a member of the assisted procreation project who is at high risk of conceiving a child with a monogenic hereditary disease or an inherited chromosomal disorder resulting in a serious, severely debilitating or fatal disease for which there is no known treatment. They are not considered insured services if they are intended to:

a) detect embryos that are heterozygous carriers of recessive diseases when only one parent is a heterozygous carrier of the disease;

b) detect an embryo with susceptibility genes for multifactorial diseases;

c) select an embryo in order to make it a donor of tissues or stem cells only;

d) select the sex of a child, except in the case of an x-linked disease;

e) voluntarily produce a child with disabilities.".

6. The Regulation is amended by inserting, after section 34.9, the following:

"**34.9.1.** Assisted procreation services required for ovarian stimulation by injectable agent other than artificial insemination or IVF are considered insured services.".

7. Section 34.10 is amended by replacing "34.9" by "34.9.1".

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

106519

Draft Regulation

Civil Code of Québec
(Civil Code; 2023, chapter 13)

Code of Civil Procedure
(chapter C-25.01)

Information on the profile of a person who has contributed to the procreation of a child in the context of a parental project

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting information on the profile of a person who has contributed to the procreation of a child in the context of a parental project, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the information on the profile of the person who has provided their reproductive material in the context of a parental project involving the use of the reproductive material and, in the context of a parental project involving surrogacy, of the woman who has agreed to give birth to the child and of the other party to the surrogacy agreement who provided their reproductive material. It consists of information that a person born of such procreation has the right to obtain when researching their origins.

Further information on the draft Regulation may be obtained by contacting Nancy Allaire, Direction du soutien aux orientations, des affaires législatives et de la refonte, Ministère de la Justice, 1200, route de l'Église, 4e étage, Québec (Québec) G1V 4M1; telephone: 418 643-0424, extension 21688; email: nancy.allaire@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1.

Simon Jolin-Barrette
Minister of Justice

Regulation respecting information on the profile of a person who has contributed to the procreation of a child in the context of a parental project

Civil Code of Québec
(Civil Code, arts. 541.13, 541.32 and 542.1;
2023, chapter 13, ss. 20 and 21)

Code of Civil Procedure
(chapter C-25.01, art. 431.0.3)

1. This Regulation determines the information on the profile of the following persons:

(1) the person who provided their reproductive material in the context of a parental project involving the use of the reproductive material of a third person;

(2) in the context of a parental project involving surrogacy:

(*a*) the woman or person who agreed to give birth to the child; and

(*b*) the party to the surrogacy agreement, other than the woman or person who agreed to give birth to the child, who provided their reproductive material.

2. The profile of a person who has contributed to the procreation of a child includes

(1) the following general information:

(*a*) the third person's age;

(*b*) the third person's ethnic origin;

(*c*) the third person's civil status;

(*d*) the third person's level of education and, where applicable, their diplomas and the subject studied; and

(*e*) the third person's occupation, where applicable;

(2) the following information relating to physical characteristics:

(*a*) the third person's height;

(*b*) the third person's skin colour;

(*c*) the third person's eye colour; and

(*d*) the third person's hair colour and texture;

(3) information relating to the third person's personality traits, special skills, preferences and hobbies, where applicable.

3. This Regulation comes into force on the date of coming into force of section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project, insofar as it enacts article 541.13 of the Civil Code. However, in respect of a woman or person who agreed to give birth to a child and who is domiciled outside Québec, the Regulation comes into force as of the date of coming into force of section 20 of that Act, insofar as it enacts article 541.32 of the Civil Code.

106518

Draft Regulation

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6)

Lottery schemes
— 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 Lottery Scheme Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Lottery Scheme Regulation (chapter L-6, r. 11.1) to authorize the establishment and operation of a lottery scheme at a public place of amusement under a lottery licence for a public place of amusement. The draft Regulation also allows an umbrella organization to act as representative for a group of organizations that pursue similar charitable or religious purposes. Lastly, the draft Regulation establishes new categories of licences according to the activities to be carried on and determines the related payable fees and duties.

Further information on the draft Regulation may be obtained by contacting Andrée-Anne Garceau, Secretary and Interim Director, Direction du secrétariat général, du soutien à la gouvernance et des communications, Régie des alcools, des courses et des jeux, 200, chemin Sainte Foy, 4e étage, Québec (Québec) G1R 4X6; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary and Interim Director, Direction du secrétariat général, du soutien à la gouvernance et des communications, Régie des alcools, des courses et des jeux, at the above contact information.

François Bonnardel
Minister of Public Security

Regulation to amend the Lottery Scheme Regulation

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6, s. 119, 1st par., subpars. *a*, *b*, *c* and *d*, and 2nd par.)

1. The Lottery Scheme Regulation (chapter L-6, r. 11.1) is amended in section 1 by inserting the following definition at the place determined by the alphabetical order:

""umbrella organization" means an organization designated to act as representative for a group of organizations engaged in similar charitable or religious purposes;".

2. Section 2 is amended

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

"(0.1) lotteries at a public place of amusement;";

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

"Subject to the exceptions provided for in this subsection, a licence may be issued to conduct and manage one or more of the lottery schemes referred to in subparagraphs 1 to 4 of the first paragraph.".

3. The following is inserted after section 2:

"**2.1.** The categories of lottery scheme licences are the following:

(1) class A;

(2) class B.

A class A lottery scheme licence enables the holder to conduct and manage one or more of the lottery schemes referred to in subparagraphs 1 to 4 of the first paragraph of section 2, except an electronic drawing, and authorizes the holder to collect, for the conduct and management of the lottery schemes, a gross annual income of $20,000 or less.

A class B lottery scheme licence enables the holder to conduct and manage one or more of the lottery schemes referred to in subparagraphs 1 to 4 of the first paragraph of section 2 and authorizes the holder to collect, for the conduct and management of the lottery schemes, a gross annual income of more than $20,000.".

4. Section 3 is replaced by the following:

"**3.** An organization may apply for a class A or class B licence to conduct and manage the following lottery schemes:

(1) drawings;

(2) instant lotteries;

(3) charity casinos.

An umbrella organization may apply for a class A licence for the conduct and management by organizations of the lottery schemes referred to in the first paragraph. The licence may include only one of those lottery schemes.

3.1. The board of a fair or exhibition may apply for a class A or class B licence to conduct and manage, at a fair or exhibition it organizes, the following lottery schemes:

(1) drawings;

(2) instant lotteries;

(3) wheels of fortune.

The operator of a concession leased from the board of a fair or exhibition may apply for a class A or class B licence to conduct and manage a wheel of fortune during the fair or exhibition.

3.2. A natural person or a non-profit legal person may apply for a licence to conduct and manage a lottery at a public place of amusement.

A licence authorizing the holder to hold a lottery at a public place of amusement must not include another lottery scheme.".

5. Section 4 is revoked.

6. Section 6 is replaced by the following:

"**6.** The examination fees for any application for a licence are $31.75.

The fees are not refundable.

6.1. The duties payable for the issue of a class A lottery scheme licence are $15 per lottery scheme. In the case of an application for a licence made on behalf of a group of organizations, the duties are payable by each organization that is part of the group.

6.2. The duties payable for the issue of a class B lottery scheme licence are

(1) for a drawing, subject to section 7, a payable duty representing 0.9% of the total selling price of the tickets estimated by the applicant;

(2) for an instant lottery, a payable duty representing 0.9% of the total selling price of the instant lottery cards;

(3) for a charity casino, a payable duty of $50 per day;

(4) for a wheel of fortune, a payable duty of $50 per day.

Despite subparagraph 1 of the first paragraph, for a progressive drawing, a payable duty representing 0.9% of the total selling price of the tickets must be sent to the Régie des alcools, des courses et des jeux every quarter as of the first drawing.

6.3. The duties provided for in section 6.2 are payable when an instant lottery, a charity casino or a wheel of fortune is added to a licence.".

7. Section 7 is amended

(1) by replacing "a licence to conduct and manage drawings" by "a class B licence to conduct and manage a drawing";

(2) by striking out "of profit" after "statement";

(3) by striking out ", or be sent not later than 60 days after the date of expiry of the licence" at the end.

8. Section 8 is replaced by the following:

"The duties payable for the issue of an electronic schemes supplier licence are $225.".

9. Section 9 is replaced by the following:

"**9.** The board will reimburse the duties paid under sections 6.1 to 6.3 or section 8 where it refuses to grant an application for a licence or an application to add a lottery scheme, or revokes the licence before the sale of tickets or instant lottery cards or the date that the charity casino or the wheel of fortune is to be held.".

10. Section 11 is amended in the first paragraph

(1) by inserting "examination" before "fees";

(2) by replacing "6" by "6.2".

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

106520

Draft Regulation

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6)

Lottery schemes
— 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 Lottery Scheme Rules, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Lottery Scheme Rules (chapter L-6, r. 12.1) in particular to establish the conditions for obtaining a lottery licence for a public place of amusement and the standards and restrictions relating to the use of that licence. The draft Regulation also establishes the conditions for obtaining and the standards for using a licence issued further to an application for a licence for a group of organizations. In addition, the draft Regulation proposes amendments to simplify the form and content of the reports that licence holders must submit.

Further information on the draft Regulation may be obtained by contacting Andrée-Anne Garceau, Secretary and Interim Director, Direction du secrétariat général, du soutien à la gouvernance et des communications, Régie des alcools, des courses et des jeux, 200, chemin Sainte Foy, 4e étage, Québec (Québec) G1R 4X6; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Andrée-Anne Garceau, Secretary and Interim Director, Direction du secrétariat général, du soutien à la gouvernance et des communications, Régie des alcools, des courses et des jeux, at the above contact information.

François Bonnardel
Minister of Public Security

Regulation to amend the Lottery Scheme Rules

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6, s. 20, 1st par., subpars. *c*, *i*, *l* and *m*, and 2nd par.)

1. The Lottery Scheme Rules (chapter L-6, r. 12.1) are amended by replacing section 1 by the following:

"**1.** The definitions set out in the Lottery Scheme Regulation (chapter L-6, r. 11.1) apply to this Regulation.".

2. The heading of Title II is amended by adding "AND CONDITIONS FOR OBTAINING A LICENCE" at the end.

3. Section 2 is amended

(1) by replacing "An organization, a board of a fair or exhibition or an operator" in the first paragraph by "An organization, a non-profit legal person, a board of a fair or exhibition or an operator";

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

"In the case of a natural person, they must be of full age and a Canadian citizen; if the natural person is not a Canadian citizen, they must reside in Québec as a permanent resident.".

4. The following is inserted after section 2:

"**2.1.** A person designated to act as the representative of a person who applies for a lottery scheme licence must be a member, director, employee or volunteer for the applicant and have the necessary knowledge on the conduct and management of the lottery scheme to answer the board.".

5. Section 3 is amended

(1) by replacing "sa" in the portion before paragraph 1 in the French text by "la";

(2) by replacing ", of its registration or of a" in paragraph 4 by "or of any other";

(3) by replacing paragraphs 5 and 6 by the following:

"(5) a document proving the charitable or religious purposes pursued by the organization; and

(6) a detailed description of the charitable or religious purposes for which the application is made and the proposed use of the profit, which must be compatible with the purposes pursued by the organization.".

6. The following is inserted after section 3:

"**3.1.** Where an application for a licence is made on behalf of a group of organizations, the umbrella organization must provide the board with the following information and documents:

(1) the umbrella organization's name, address, telephone number and email address;

(2) a copy of the resolution that designates the natural person acting as representative for the umbrella organization for the licence application, as well as the representative's name, address, telephone number, email address and date of birth;

(3) the umbrella organization's Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) or, failing that, a copy of its letters patent, of its certificate of constitution or of any other document attesting to its existence;

(4) an attestation that the umbrella organization has the authorizations required to make an application on behalf of the organizations that are part of the group;

(5) the name, address, telephone number and email address of each organization that is part of the group, as well as the name, telephone number, email address and date of birth of each organization's representative;

(6) a document proving the charitable or religious purposes pursued by the umbrella organization, as well as an attestation that all the organizations that are part of the group pursue similar charitable or religious purposes; and

(7) a detailed description of the charitable or religious purposes for which the application is made and the proposed use of the profit, which must be compatible with the purposes pursued by the organizations that are part of the group.

Where the board grants such an application, the licence is issued in the name of the umbrella organization and is valid, subject to the conditions prescribed, for each organization that is part of the group.".

7. Section 4 is amended

(1) in the first paragraph

(*a*) by replacing "sa" in the portion before subparagraph 1 in the French text by "la";

(*b*) by replacing ", of its registration or of a" in subparagraph 4 by "or of any other";

(*c*) by replacing "a declaration" in subparagraph 6 by "an attestation";

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

"Where the operator of a concession leased from the board of a fair or exhibition is a natural person, the operator must provide his or her date of birth, as well as the information and documents referred to in subparagraphs 1, 5 and 6 the first paragraph.".

8. The following is inserted after section 4:

"**4.1.** When applying for a licence to conduct and manage a lottery at a public place of amusement, a natural person or a non-profit legal person must provide the board with the following information and documents, if applicable:

(1) the person's name, address, telephone number, email address and date of birth;

(2) a copy of the resolution that designates the natural person acting as representative for the licence application;

(3) the representative's name, address, telephone number, email address and date of birth;

(4) the person's Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) or, failing that, a copy of its letters patent, of its certificate of constitution or of any other document attesting to its existence; and

(5) the name and address of the place of public amusement where each lottery scheme will be conducted and managed.

4.2. The applicant for a class A lottery scheme licence must, in addition to the information and documents required by sections 3 and 4, depending on the category of persons to which the applicant belongs, provide the Board with the following information:

(1) a list of the lottery schemes; and

(2) the type of drawing, if applicable.".

9. Section 5 is amended

(1) in the first paragraph

(*a*) by replacing the portion before subparagraph 1 by the following: "The applicant for a class B lottery scheme licence to conduct and manage a drawing must, in addition to the information and documents required by sections 3 and 4, depending on the category of persons to which the applicant belongs, provide the Board, for each drawing, with the following information:";

(*b*) by replacing "profit" wherever it appears by "revenues";

(*c*) by replacing "profit and costs" in subparagraph 7 by "gross revenues and expenses";

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

"Where an electronic scheme from a supplier is used in order to conduct and manage a drawing, the application must also include the name of the supplier and the name and proposed use of the electronic scheme, and be accompanied with a copy of the contract entered into with the supplier.";

(3) by replacing "S'il" in the portion before subparagraph 1 of the third paragraph in the French text by "Lorsque le demandeur".

10. Section 6 is amended

(1) by replacing the portion before paragraph 1 by the following: "The applicant for a class B lottery scheme licence to conduct and manage an instant lottery must, in addition to the information and documents required by sections 3 and 4, depending on the category of persons to which the applicant belongs, provide the Board, for each instant lottery, with the following information:";

(2) by replacing "s'il y a lieu" in paragraph 2 in the French text by "le cas échéant";

(3) by replacing "profit and costs" in paragraph 7 by "gross revenues and expenses".

11. Section 7 is amended

(1) by replacing the portion before paragraph 1 by the following: "The applicant for a class B lottery scheme licence to conduct and manage a charity casino must, in addition to the information and documents required by section 3, provide the Board, for each charity casino, with the following information:";

(2) by striking out paragraph 7;

(3) by replacing "profit and costs" in paragraph 9 by "gross revenues and expenses".

12. Section 8 is amended by replacing the portion before paragraph 1 by the following: "The applicant for a class B lottery scheme licence to conduct and manage a wheel of fortune must, in addition to the information and documents required by section 4, provide the Board, for each wheel of fortune, with the following information:".

13. Section 9 is revoked.

14. Section 10 is replaced by the following:

"**10.** An application for a lottery scheme licence may be made by more than one applicant in order to jointly conduct and manage a lottery scheme and share the resulting profit. The application must be signed by each applicant.

Each applicant must meet the conditions for obtaining the licence and provide the documents and information referred to in section 3, 4 or 4.1, as applicable.

The licence is issued in the name of each of the applicants.

10.1. An application for a lottery scheme licence or any application to add a new lottery scheme must be filed with the board at least 30 days before the sale of tickets or instant lottery cards, or the date that the charity casino, the wheel of fortune or the lottery at a public place of amusement is to be held.

10.2. The board may issue a new class A lottery scheme licence only if more than 12 months have elapsed from the date on which the applicant, except an umbrella organization, was issued a class A lottery scheme licence.

In addition, the board may issue a new licence to conduct and manage a lottery at a public place of amusement only if more than 12 months have elapsed from the date on which the applicant was issued a licence to conduct and manage such a lottery.".

15. Section 11 is amended by replacing the portion before paragraph 1 by "The board may refuse to issue a licence if an applicant or one of the applicant's officers, directors, employees or volunteers working on the lottery scheme has been found guilty of".

16. The following is inserted after section 11:

"**11.1.** Where an application for a licence is made on behalf of a group of organizations, the board may refuse to let an organization be part of the group, for a reason provided for in section 11 of these Rules or section 50 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6).".

17. Section 14 is replaced by the following:

"**14.** Except with the prior authorization of the board, no modification may be made to a lottery scheme and no lottery scheme may be added during the term of the licence.

The board, on the conditions it determines, may authorize the modification of a lottery scheme or modify a licence. In case of a refusal, the board may also cancel or revoke the licence.".

18. Section 17 if amended by replacing the portion before subparagraph 1 of the first paragraph by "The board may refuse to issue a licence if an applicant or one of the applicant's officers, directors or employees who has access to the electronic schemes has been found guilty of".

19. Sections 19 and 20 are revoked.

20. The following is inserted after section 20:

"**20.1.** A class A lottery scheme licence authorizes the holder to conduct and manage a drawing, an instant lottery, a charity casino or a wheel of fortune, on the following conditions:

(1) the gross annual revenues from the conduct and management of the lottery schemes may not exceed $20,000; and

(2) no electronic scheme may be used to conduct and manage a lottery scheme.

Where the licence is issued for the benefit of a group of organizations, the gross annual revenues provided for in subparagraph 1 of the first paragraph applies to each organization that is part of the group.

20.2. Where a licence is issued for the benefit of a group of organizations, the requirements of this Title apply to each organization that is part of the group.".

21. Section 22 is amended by replacing "lottery schemes licence and the rules of participation and operation, and to learn" by "licence and, if applicable, the rules of participation and operation of the lottery scheme, as well as".

22. Section 24 is amended by inserting ", if applicable" at the end of the second paragraph.

23. Section 25 is amended by inserting "of a class B lottery scheme licence" after "holder" in the portion before paragraph 1.

24. The heading of Chapter II of Title III is revoked.

25. Section 27 is replaced by the following:

"**27.** The funds collected by an organization holding a class B lottery scheme licence during the conduct and management of a lottery scheme must be the object of book-keeping that is separate from the organization's general accounting.".

26. Section 29 is replaced by the following:

"**29.** Except in the case of a lottery at a public place of amusement and a wheel of fortune, a lottery scheme's administration expenses must be less than the scheme's net profit.".

27. Section 30 is amended by replacing "the profit" by "the gross revenues or the profit".

28. Section 32 is amended in the first paragraph

(1) by replacing "," after "administrateur" in the French text by "ou";

(2) by replacing "profits" by "gross revenues or profit".

29. The heading of Chapter III of Title III is revoked.

30. Section 33 is amended

(1) by replacing "of gross profit" by "of gross revenues";

(2) by inserting ", if applicable" at the end.

31. The following is inserted after section 34:

"**CHAPTER II**
LOTTERY AT A PUBLIC PLACE OF AMUSEMENT

34.1. A licence to conduct and manage a lottery at a public place of amusement authorizes the holder to sell simplified tickets that entitle purchasers to take part in a drawing of lots for various prizes, on the following conditions:

(1) the drawing must be conducted and managed at a public place of amusement;

(2) the drawing must be a drawing with a fixed prize or a drawing whose prize is determined based on the percentage of gross revenues;

(3) the tickets must be sold and a winner must be chosen on the same day;

(4) the cost of a ticket may not exceed 2 dollars;

(5) the total value of prizes drawn per day may not exceed $500;

(6) the gross annual revenues from the sale of draw tickets may not exceed $5,000;

(7) no electronic scheme may be used to conduct and manage the drawing; and

(8) the drawing may not be conducted or managed for the object of promoting commercial interests.

Simplified tickets must contain a sequential number, which must be retained by the holder for the purpose of choosing the winner.

34.2. To establish and operate a drawing, a licence holder must have the prior authorization of the owner of the public place of amusement or the person responsible for it or, if applicable, the event organizer.

34.3. A winner must be chosen publicly before at least 3 witnesses.

34.4. Each drawing prize whose amount is determined by a percentage of the revenue generated from ticket sales must be announced to the participants before a winner is chosen.

To receive a prize, a participant must show the licence holder that they are at least 18 years of age and present their ticket.

To be valid, a ticket must be intact and must not have been modified, altered, reconstituted or counterfeited in any manner whatsoever.".

32. The heading of Chapter IV of Title III is replaced by the following:

"**CHAPTER III**
DRAWING".

33. Section 41 is amended

(1) by replacing "The rules of participation and operation of a drawing" in the portion before paragraph 1 by "The holder must have rules of participation and operation, that";

(2) by striking out "and the numbers of the first and last tickets" in paragraph 4;

(3) by inserting "if there is more than one prize," at the beginning of paragraphs 8 and 9;

(4) by replacing "profit" wherever it appears in paragraphs 9 and 10 by "revenues".

34. Section 45 is amended by replacing "not later than 30 minutes after the winning sequential number has been called" by "within the time prescribed in the rules of participation and operation".

35. Section 48 is replaced by the following:

"**48.** Only an organization holding a class B lottery scheme licence may use an electronic scheme as part of a drawing.

An electronic scheme may only be used for

(1) selling tickets;

(2) choosing a winner; or

(3) awarding a prize.".

36. The heading of Chapter V of Title III is replaced by the following:

"**CHAPTER IV**
INSTANT LOTTERY".

37. Section 64 is amended by replacing "The rules of participation and operation" by "The holder must have rules of participation and operation, that".

38. The heading of Chapter VI of Title III is replaced by the following:

"**CHAPTER V**
CHARITY CASINO".

39. The heading of Chapter VII of Title III is replaced by the following:

"**CHAPTER VI**
WHEEL OF FORTUNE".

40. The heading of Title IV is replaced by the following:

"**TITLE IV**
REPORTING".

41. The following is inserted before section 75:

"**74.1.** The holder of a licence to conduct and manage a lottery at a public place of amusement must note and keep the following information in a record for each drawing:

(1) the type of drawing;

(2) the date and place of the drawing;

(3) the total value of prizes drawn; and

(4) the gross revenues from the sale of draw tickets.

The holder must also note and keep, in the same record, the total gross revenues from all the drawings held during the term of the licence.

The holder must keep that information for 2 years after the expiry or revocation of the licence and send it to the board upon request.

74.2. The holder of a class A lottery scheme licence and, in the case of a licence issued for the benefit of a group of organizations, each organization that is part of the group must note and keep the following information in a record for each lottery scheme, except a wheel of fortune:

(1) the type of lottery scheme and, if applicable, the type of drawing;

(2) the date on which the lottery scheme is to be conducted;

(3) the total value of prizes awarded by the lottery scheme;

(4) the gross revenues from the sale of draw tickets, instant lottery cards, admission tickets and additional phoney money from the charity casino or the wheel of fortune bets;

(5) the actual cost of each prize awarded by the lottery scheme;

(6) the lottery scheme's administration expenses;

(7) the profit or loss of the lottery scheme.

The licence holder and, if applicable, each organization that is part of the group must also note and keep, in the same record, the gross revenues and profit from all lottery schemes held during the term of the licence.

That information must be kept for 2 years after the expiry or revocation of the licence and provided to the board upon request.".

42. Section 75 is amended

(1) by replacing "licence to conduct and manage a drawing must prepare and keep a statement of gross and net profit" in the first paragraph by "class B licence to conduct and manage a drawing must produce a report of their activities";

(2) by replacing "the date of expiry" in the second paragraph by "the expiry or revocation";

(3) in the third paragraph

(*a*) by replacing "mentions" in the portion before subparagraph 1 in the French text by "informations";

(*b*) by replacing subparagraph 4 by the following:

"(4) the gross revenues from the sale of draw tickets;".

43. Section 76 is amended

(1) by replacing "licence to conduct and manage an instant lottery must prepare and keep a statement of gross and net profit" in the first paragraph by "class B licence to conduct and manage an instant lottery must produce a report of their activities";

(2) by replacing "the date of expiry" in the second paragraph by "the expiry or revocation";

(3) in the third paragraph

(*a*) by replacing "mentions" in the portion before subparagraph 1 in the French text by "informations";

(*b*) by replacing subparagraph 4 by the following:

"(4) the gross revenues from the sale of instant lottery cards;".

44. Section 77 is amended

(1) by replacing "licence to conduct and manage a charity casino must prepare and keep a statement of gross and net profit" in the first paragraph by "class B licence to conduct and manage a charity casino must produce a report of their activities";

(2) by replacing "the date of expiry" in the second paragraph by "the expiry or revocation";

(3) in the third paragraph

(*a*) by replacing "mentions" in the portion before subparagraph 1 in the French text by "informations";

(*b*) by replacing "total proceeds" in subparagraphs 4 and 5 by "gross revenues".

45. The following is inserted after section 77:

"**77.1.** For the purposes of sections 74.1 to 77 of these Rules, in the case of a licence referred to in section 10, licence holders must keep only one record or produce only one activity report, as applicable.".

46. Section 79 is amended by replacing "after the date of expiry" in the second paragraph by "after the expiry".

47. The holder of a lottery scheme licence issued before (*insert the date that occurs one day before the date of coming into force of this Regulation*) whose gross annual revenues from the conduct and management of lottery schemes is $20,000 or less and who used no electronic scheme to conduct and manage the lottery schemes becomes, as of the date of coming into force of this Regulation, subject to the reporting requirements prescribed in section 74.2 of the Lottery Scheme Rules (L-6, r. 12.1) enacted by section 41 of this Regulation.

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

106521

Proposal to designate a natural setting with boundaries established on a plan

Natural Heritage Conservation Act
(chapter C-61.01)

Natural setting with boundaries established on a plan of Île-Brion
— Designation on a plan

Notice is hereby given, in accordance with section 15 of the Natural Heritage Conservation Act (chapter C-61.01), that the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks intends to designate the natural setting with boundaries established on a plan of Île-Brion, appearing below, on the expiry of 30 days following this publication.

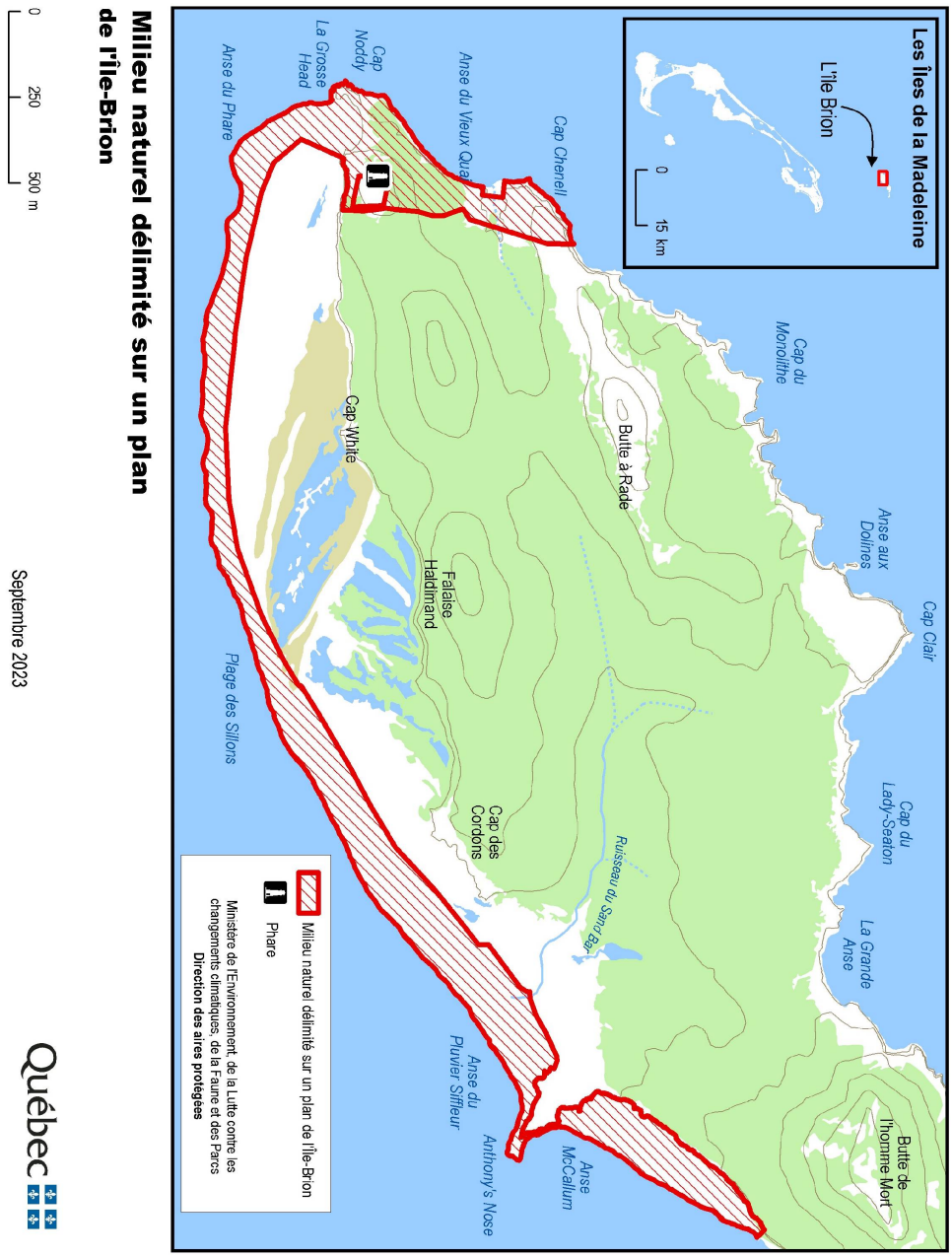
An original copy of the plan and information about the proposed designation may be obtained by contacting Mr Francis Bouchard, Director, Direction des aires protégées, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, Édifice Marie-Guyart, 4e étage, boîte 21, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4426; fax: 418 646-6169; email: consultation.GOQ@environnement.gouv.qc.ca.

Any person wishing to comment on the designation is requested to submit written comments within the 30-day period to Francis Bouchard using the contact information above.

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

SCHEDULE

Milieu naturel délimité sur un plan de l'Île-Brion



106522

Draft Regulation

Act respecting parental insurance
(chapter A-29.011)

Regulation
— 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 under the Act respecting parental insurance, made by the Conseil de gestion de l'assurance parentale on 14 September 2023 and appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for various consequential amendments mainly for the purpose of harmonizing the provisions of the Regulation under the Act respecting parental insurance with certain amendments made to the Civil Code by the Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status (2022, chapter 22) and the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13). The amendments concern in particular the terminology allowing to take into account the various realities of sexual minorities and of trans or non-binary parents as well as surrogate pregnancy projects.

Study of the matter has shown no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Shadi J. Wazen, lawyer, Conseil de gestion de l'assurance parentale, 1122, Grande Allée Ouest, 1er étage, bureau 104, Québec (Québec) G1S 1E5; telephone: 418-528-1608; email: shadi.wazen@cgap.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie Gendron, President and Director General, Conseil de gestion de l'assurance parentale, 1122, Grande Allée Ouest, 1er étage, bureau 104, Québec (Québec) G1S 1E5; email: marie.gendron@cgap.gouv.qc.ca. The comments will be forwarded by the Conseil de gestion de l'assurance parentale to the Minister of Employment.

Kateri Champagne Jourdain
Minister of Employment

Regulation to amend the Regulation under the Act respecting parental insurance

Act respecting parental insurance
(chapter A-29.011, s. 7, 3rd par., s. 8, 2nd par., s. 12.2, 3rd par., s. 13, 1st par., s. 16, 2nd par., s. 17.1, 2nd par., s. 19, 20, 2nd par., s. 23, 2nd, 3rd and 4th pars. and s. 88, 1st par., subpar. 1; 2023, chapter 13, ss. 39 and 46)

1. The Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2) is amended in section 10 by striking out "the net family" after "information on".

2. Section 14 is amended by replacing "maternity benefits, paternity benefits, exclusive parental or adoption benefits of the deceased parent" in paragraph 2 by "exclusive benefits of the deceased parent provided for in sections 7, 9, 10.1, subparagraph 1 of the first paragraph of section 11, section 11.1, subparagraph 1 of the first paragraph of section 12.4 and section 12.5 of the Act".

3. Section 15 is amended by replacing "welcome and support benefits relating to an adoption" in the second paragraph by "benefits provided for in sections 12.1 and 12.8 of the Act".

4. Section 16 is amended by replacing "welcome and support benefits relating to an adoption" in the third paragraph by "benefitsprovided for in sections 12.1 and 12.8 of the Act".

5. Section 17 is amended by replacing "sections 10 and 11" in the second paragraph by "section 10, subparagraph 2 of the first paragraph of section 11, and subparagraph 2 of the first paragraph of section 12.4".

6. Section 26 is amended by replacing "second" by "fourth" wherever it appears.

7. Section 31.1.1 is amended by replacing "second" by "fourth".

8. Section 33 is amended by striking out "sections 7 to 11, 15 or 17 of " in paragraph 2.

9. Section 33.1 is amended

(1) by striking out "maternity" wherever it appears;

(2) by replacing ", father's or mother's spouse" in paragraph 2 of the first paragraph by "or one of their parents, father's or mother's spouse or one of their parents,".

10. Section 33.2 is amended by striking out "maternity" wherever it appears.

11. The following is added after section 33.2:

"**33.3.** For the purposes of the third paragraph of section 12.2 of the Act, the benefit period may be extended if the person who so requests is in one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 33.1.

The benefit period is extended by the number of full weeks that the situation lasts, subject to the third paragraph of section 12.2 of the Act.

If a person is again in the situation referred to in the first paragraph during the extension of the benefit period, the benefit period is extended by the number of weeks that the situation lasts, subject to the third paragraph of section 12.2 of the Act.".

12. Section 34 is amended

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

"For the purposes of the second, third and fourth paragraphs of section 23 of the Act, the period during which the benefits provided for in sections 9 to 11.3, 12.1 and 12.3 to 12.8 of the Act may paid is extended if the person is in one of the following situations:";

(2) by replacing ", father's or mother's spouse" in subparagraph 3 of the first paragraph by "or one of their parents, father's or mother's spouse or one of their parents";

(3) by replacing "third" in the second paragraph by "fourth";

(4) by replacing "third" in the third paragraph by "fourth".

13. Section 35 is amended by inserting ", the first paragraph of section 33.3" after "section 33.2".

14. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 2 to 8 and 11 to 13, insofar as they concern benefits relating to a surrogacy project that apply only to a birth resulting from a surrogacy project occurring as of 6 March 2024, unless it is shown that the pregnancy began after 5 June 2023.

106512

Draft Regulation

Civil Code of Québec
(Civil Code; 2023, chapter 13)

Parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation introduces general provisions concerning all parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec. More particularly, the draft Regulation determines the expenses that must or may be reimbursed to the woman or the person who has agreed to give birth to the child in the context of a parental project involving surrogacy, or paid to the third person who has provided the service or product, by the person alone or the spouses who formed the parental project or, where applicable, through the intermediary of a professional who is a member of a professional order and who holds the amounts in a trust account. The draft Regulation sets out the conditions for obtaining the payment of compensation for the loss of work income that the woman or the person may have suffered by reason of their contribution. The draft Regulation also determines the terms and conditions for the payment or reimbursement of expenses and for the payment of compensation for loss of work income. In addition, the draft Regulation determines what must be included in the notarial act or private writing that states the consent of the woman or the person who has agreed to give birth to a child.

Lastly, the draft Regulation introduces special provisions concerning parental projects for the legal establishment of filiation. More particularly, the draft Regulation sets out certain elements that must be included in the surrogacy agreement, as well as the standards for the deposit, in a trust account of the notary who executes the agreement, of an amount to allow the performance of the obligations of the person alone or the spouses who formed the parental project.

Further information on the draft Regulation may be obtained by contacting Nancy Allaire, Direction du soutien aux orientations, des affaires législatives et

de la refonte, Ministère de la Justice, 1200, route de l'Église, 4e étage, Québec (Québec) G1V 4M1; telephone: 418 643-0424, extension 21688; email: nancy.allaire@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1.

Simon Jolin-Barrette
Minister of Justice

Regulation respecting parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec

Civil Code of Québec
(Civil Code, ss. 541.3, 541.9 and 541.13;
2023, chapter 13, s. 20)

CHAPTER I
GENERAL

DIVISION I
REIMBURSEMENT OR PAYMENT OF CERTAIN EXPENSES AND PAYMENT OF COMPENSATION FOR LOSS OF WORK INCOME

1. The following expenses must be reimbursed to the woman or the person who has agreed to give birth to a child in consideration of their contribution to a parental project involving surrogacy, or paid to the third person who has provided the service or product:

(1) expenses incurred to obtain any product or service provided by a professional who is a member of a professional order and who, in the practice of their profession, is authorized by law to assess the physical condition of a person, provide or contribute to pregnancy care, conduct or contribute to conducting deliveries, and provide postnatal care and other health care;

(2) expenses incurred to obtain any drug or device within the meaning of section 2 of the Food and Drugs Act (R.S.C., 1985, c. F-27);

(3) expenses relating to the delivery, other than the expenses referred to in subparagraphs 1 and 2;

(4) fees and disbursements incurred for any legal service, including fees and disbursements incurred to administer amounts deposited in a trust account, where applicable.

In addition, the following expenses must be paid:

(1) expenses relating to an assisted procreation activity within the meaning of paragraph 1 of section 2 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01), payable to the centre for assisted procreation;

(2) the fees and expenses relating to the information meeting on the psychosocial implications of the surrogacy project and of the ethical issues it involves, payable to the professional who is a member of a professional order designated by the Minister of Justice in accordance with section 541.11 of the Civil Code;

(3) the charges for the transportation of an in vitro embryo or gametes, including expenses associated with the transportation, payable to any person who incurred them, except the woman or the person who has agreed to give birth to the child.

2. If the parties to the surrogacy agreement so agree, the following expenses may be reimbursed to the woman or the person who has agreed to give birth to a child in consideration of their contribution to a parental project involving surrogacy, or paid to the third person who has provided the service or product:

(1) expenses incurred to obtain any product or service prescribed in writing by a professional who is a member of a professional order and who, in the practice of their profession, is authorized by law to assess the physical condition of a person, provide pregnancy care, conduct deliveries, and provide postnatal care and other health care, as well as expenses associated with obtaining a prescription, where applicable;

(2) fees and disbursements incurred for professional consultation services, except those referred to in paragraph 1 of this section and in subparagraph 4 of the first paragraph of section 1;

(3) expenses relating to the services of a doula;

(4) expenses relating to obtaining or confirming medical records or other documents;

(5) expenses relating to prenatal exercise classes;

(6) expenses relating to maternity clothes or clothes required by the pregnancy;

(7) grocery expenses relating to the pregnancy, excluding expenses incurred for non-food items;

(8) travel expenses, in particular transportation charges and parking, meal and lodging expenses;

(9) expenses incurred to care for a dependent or a companion animal;

(10) telecommunications expenses relating to communications between the woman or the person who has agreed to give birth to the child and the person alone or the spouses who formed the parental project, or relating to the pregnancy or the delivery;

(11) expenses relating to health insurance, life insurance, disability insurance or travel insurance.

3. The maximum amount of the transportation charges provided for in subparagraph 3 of the second paragraph of section 1 and in paragraph 8 of section 2 that must be paid or may be reimbursed or paid for the use of an automobile, except an automobile used by a transportation service that provides a receipt, corresponds, for the year during which transportation took place, to the aggregate of the amounts that would be determined for that year under section 133.2.1R1 of the Regulation respecting the Taxation Act (chapter I-3, r. 1) if that section applied to such payment or reimbursement.

4. Unless they renounce that right in whole or in part, the woman or the person who has agreed to give birth to the child in the context of a parental project involving surrogacy is entitled to the payment of a financial contribution as compensation for loss of work income resulting from their contribution to the project due to a medical appointment in connection with the pregnancy or a period of work stoppage, where a physician attests that the woman or the person attended such a medical appointment or that, by reason of the pregnancy, the work of the woman or the person may involve a risk to their health or to that of the child to be born.

5. The expenses referred to in sections 1 and 2 are reimbursed or paid by the person alone or the spouses who formed the parental project or, where applicable, through the intermediary of a professional who is a member of a professional order and who holds the amounts in a trust account, except where those expenses are covered and reimbursed or paid by a public or private plan, in which case only the amount that has not been reimbursed or paid by the plan may be reimbursed or paid. The same applies to the compensation for loss of work income referred to in section 4.

6. A claim for the reimbursement of the expenses provided for in the first paragraph of section 1 and in section 2 is admissible only on receipt of the following documents by the person alone or the spouses who formed the parental project:

(1) a declaration by the woman or the person who has agreed to give birth to the child in the context of the parental project, dated and signed by the woman or the person, containing

(*a*) the name and address of the woman or the person;

(*b*) for each expense concerned

i. its nature;

ii. the amount incurred and, if less than the amount incurred, the amount requested for reimbursement;

iii. the date on which it was incurred; and

iv. a statement indicating that the amount requested has not been paid or reimbursed to them, in whole or in part, by any other source;

(*c*) in the case of transportation expenses incurred for the use of an automobile, except an automobile used by a transportation service that provides a receipt, the following additional information:

i. the addresses of the points of departure and destination; and

ii. the number of kilometres travelled between those two points;

(*d*) a statement indicating that all the expenses have been incurred by reason of their contribution to the parental project;

(*e*) a statement indicating that all the information contained in the declaration is accurate and complete to the best of their knowledge;

(2) where applicable, a copy of the written prescription referred to in paragraph 1 of section 2 relating to a product or service concerned by the claim for reimbursement;

(3) all receipts relating to the expenses requested for reimbursement, indicating the date on which the expenses were incurred.

7. A claim for the payment of a compensation for loss of work income provided for in section 4 is admissible only on receipt by the person alone or the spouses who formed the parental project of the following documents:

(1) a declaration by the woman or the person who has agreed to give birth to the child in the context of the parental project, dated and signed by the woman or the person, containing

(*a*) the name and address of the woman or the person;

(*b*) the date of the medical appointment in connection with the pregnancy or the beginning and end dates of the period during which the woman or the person cannot work for the reason certified by a physician;

(*c*) the amount of the compensation requested;

(*d*) a statement indicating that the woman or the person has not received compensation for the loss of work income, in whole or in part, from any other source; and

(*e*) a statement indicating that all the information contained in the declaration is accurate and complete to the best of their knowledge;

(2) the supporting documents corroborating the work income that the woman or the person would have earned had they not been absent due to a medical appointment in connection with the pregnancy or the period of work stoppage or, where applicable, the supporting documents corroborating the amount for which they have not been compensated, in whole or in part, by a public or private plan;

(3) a copy of the attestation by a physician that the woman or the person attended a medical appointment in connection with the pregnancy or that, by reason of the pregnancy, the work of the woman or the person may involve a risk to their health or to that of the child to be born.

8. The person alone or the spouses who formed the parental project or, where applicable, the professional who is a member of a professional order and who holds the amounts in a trust account, who reimburse the expenses or pay the compensation referred to in the declaration made in accordance with paragraph 1 of section 6 or section 7 must indicate in the declaration, as applicable, the amount reimbursed for each listed expense or the amount of the compensation paid, as well as the date of the reimbursement or payment, and sign the declaration.

The woman or the person who has agreed to give birth to the child who receives the reimbursement or compensation must give acquittance for the amount by signing the declaration.

9. The person alone or the spouses who formed a parental project involving surrogacy must prepare, for each reimbursement or payment made or compensation paid, a file containing all documents received for the purpose of the reimbursement, payment or compensation, and they must keep that file for 6 years following the date of the reimbursement, payment or compensation.

DIVISION II
CONSENT OF THE WOMAN OR THE PERSON WHO GAVE BIRTH TO THE CHILD IN THE CONTEXT OF A PARENTAL PROJECT INVOLVING SURROGACY

10. A notarial act or a private writing stating the consent of the woman or the person who gave birth to the child in the context of a parental project involving surrogacy, referred to in section 541.9 of the Civil Code, must contain a declaration that the woman or the person

(1) understands that they are the child's parent;

(2) understands that the child's filiation may be established with regard to the person alone or the spouses who formed the parental project only if the woman or the person consents to it;

(3) understands that their consent makes it possible to deem that the child's filiation is established as of the child's birth with regard to the person alone or the spouses who formed the parental project;

(4) understands that their bond of filiation with the child is thereby dissolved and deemed never to have existed; and

(5) gave free and enlightened consent.

11. If the consent of the woman or the person who gave birth to the child is given by a private writing before two witnesses, the writing must contain the name, capacity and address of the woman or the person as well as those of the witnesses.

The writing must also contain a declaration by the witnesses that they have no interest in the surrogacy project.

CHAPTER II
SPECIAL PROVISIONS CONCERNING PARENTAL PROJECTS FOR THE LEGAL ESTABLISHMENT OF FILIATION

DIVISION I
CONTENT OF THE SURROGACY AGREEMENT

12. A surrogacy agreement must contain an attestation from the parties that they were informed of the following rules and acknowledge that they apply to them notwithstanding any stipulation to the contrary:

(1) that the woman or the person who has agreed to give birth to the child in the context of the parental project involving surrogacy

(*a*) may, at any time before the child's birth, unilaterally terminate the agreement in accordance with article 541.8 of the Civil Code;

(*b*) must, for the parental project to be carried to completion, consent to their bond of filiation with regard to the child being deemed never to have existed and to the establishment of a bond of filiation with regard to the person alone or both spouses who formed the parental project, not later than 30 days from the birth of the child, but not before 7 days have elapsed since the birth;

(*c*) may not be remunerated for their involvement in the project and may only obtain the reimbursement or payment of the expenses and the payment of a compensation for loss of work income, in accordance with the rules set out in Division I of Chapter I;

(2) that the person alone or the spouses who formed the parental project

(*a*) may not unilaterally terminate the agreement;

(*b*) may not claim from the woman or the person who has agreed to give birth to the child reimbursement of the amounts they paid under the first paragraph of section 541.3 of the Civil Code for the sole reason that the project was not carried to completion;

(*c*) may not, in the event that the woman or the person who gave birth to the child gives their consent after the child's birth, refuse the filiation of the child being established with regard to them in accordance with the rules of the Civil Code, regardless of the circumstances;

(3) that, subject to the consent of the woman or the person who gave birth to the child, the filiation is established with regard to the person alone or both spouses who formed the parental project despite their death, their inability to act or their disappearance;

(4) that the parental project comprises all children born of it and it must not entail their being dissociated;

(5) that the information contained in the agreement is confidential, except where the communication of that information is permitted by law.

The surrogacy agreement also contains an attestation from the parties that they have been domiciled in Québec for at least one year prior to entering into the surrogacy agreement.

13. A surrogacy agreement must contain a declaration by the woman or the person who has agreed to give birth to the child in the context of a parental project involving surrogacy attesting that the woman or the person

(1) understands the risks associated with pregnancy;

(2) knows that the person alone or the spouses who formed the parental project are not liable for those risks;

(3) is 21 years of age or over;

(4) undertakes, in the event that the person alone or the spouses who formed the parental project are deceased or unable to act, to ensure that the director of youth protection is informed so that the child can be entrusted to the director, in accordance with article 541.14 of the Civil Code;

(5) where applicable, renounces the reimbursement or payment of the expenses or the payment of a compensation for loss of work income and, where applicable, the grounds for the renunciation.

DIVISION II
DISBURSEMENT AND REMITTANCE OF THE AMOUNT HELD IN A TRUST ACCOUNT BY THE NOTARY

14. On receipt of an application for reimbursement made in accordance with section 6 or an application for payment made in accordance with section 7 by the woman or the person who has agreed to give birth to a child, the person alone or the spouses who formed the parental project involving surrogacy must indicate, in the declaration made in accordance with paragraph 1 of section 6 or section 7, as applicable, the amount to be reimbursed for each expense requested or the amount of the compensation to be paid by the notary. The person alone or the spouses must then sign the declaration and transmit the completed application to the notary.

If the amounts requested by the woman or the person are accepted in whole by the person alone or the spouses, the application complies with the agreement and the evidence in support of the application is satisfactory, the notary disburses the amounts requested from the notary's trust account, remits them to the woman or the person, and completes the declaration in accordance with section 8.

If the amounts requested by the woman or the person are refused, in whole or in part, by the person alone or the spouses, but the application nonetheless complies with the agreement and the evidence in support of the application is satisfactory, the notary disburses the amounts requested from the notary's trust account, remits them to the woman or the person, informs the person alone or the spouses, and completes the declaration in accordance with section 8. Despite the foregoing, if the application does not comply with the agreement or the evidence in support of the application is unsatisfactory, the notary informs the

parties and retains the amount in dispute until the notary is informed of an agreement between the parties or a final decision by the court.

15. On receipt of an application for payment transmitted by the person alone or the spouses who formed the parental project involving surrogacy, and on receipt of the supporting documents, the notary disburses the amounts requested from the notary's trust account in order to remit them to either the person or the spouses so they can pay the third person who has provided the service or product, or directly to the third person who has provided the service or product.

If the person alone or the spouses fail to make such an application to the notary, the woman or the person who has agreed to give birth to the child may make the application to the notary who, if the application complies with the agreement and the evidence in support of the application is satisfactory, disburses the amounts from the notary's trust account, remits them directly to the person who has provided the service or product, and informs the person alone or the spouses. Despite the foregoing, if the application does not comply with the agreement or the evidence in support of the application is unsatisfactory, the notary informs the parties and retains the amount in dispute until the notary is informed of an agreement or a final decision by the court.

16. On receipt of a declaration by the parties that all the expenses have been paid or reimbursed and, where applicable, that all financial contributions have been paid, the notary, where applicable, disburses the residue of the amount held by the notary in order to remit it to the person alone or the spouses who formed the parental project.

CHAPTER III
FINAL

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

106517

Erratum

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Superior Court of Québec
— Regulation in civil matters
— Amendment

Gazette officielle du Québec, Part 2, July 12, 2023, Volume 155, No. 28, page 1787.

On page 1788, the third paragraph of section 18 should have been striken through as follows:

5. Section 18 is amended as follows:

"**18. Identification of exhibits and pagination.** An exhibit that has been disclosed and produced must be identified by one letter for each party, followed by a consecutive number from the beginning to the end of the record.

Exhibits retain the same identification for all applications, on the merits and in the course of a proceeding.

~~The identification of the exhibit and the number of the record must appear on the front and back of each exhibit, if applicable. The number of the record need not be repeated if several exhibits are joined together.~~

~~The party that produces a document must paginate it if it is not already paginated.~~".

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