No. 10


# Part 2
# LAWS AND REGULATIONS

6 March 2024 / Volume 156

## Summary



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Part 2 – LAWS AND REGULATIONS

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

Part 2 shall contain:

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

(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

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## Draft Regulations

# PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

Québec, 14 february 2024

## Office of the Lieutenant-Governor

*Québec, 14 February 2024*

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

204 An Act respecting Ville de Longueuil

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

*Québec Official Publisher*

# NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 204
(Private)

## An Act respecting Ville de Longueuil

**Introduced 9 November 2023**
**Passed in principle 13 February 2024**
**Passed 13 February 2024**
**Assented to 14 February 2024**

**Québec Official Publisher**
**2024**

# Bill 204

(Private)

## AN ACT RESPECTING VILLE DE LONGUEUIL

AS the Charter of Ville de Longueuil (chapter C-11.3) provides that the city council is composed of the mayor and 15 city councillors;

AS, under Order in Council 1831-2022 dated 14 December 2022, the population of Ville de Longueuil was established to be 253,629 for 2023;

AS, for the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), which provides that the number of electoral districts shall be not fewer than 18 nor more than 36 if the municipality's population is 250,000 or over but under 500,000, it is expedient to increase the number of electoral districts from 15 to 18;

AS increasing the number of electoral districts to 18 entails increasing the number of city councillors to 18 by adding two councillors who represent the borough of Saint-Hubert and one councillor who represents the borough of Vieux-Longueuil in order to take into account the number of inhabitants of those boroughs;

AS it is expedient to increase the number of executive committee members by adding one council member so that the executive committee is composed of the mayor and of five council members designated by the mayor;

AS, in addition, in 2015, Ville de Longueuil began a major revision of all the regulatory provisions applicable in its territory in order to better address the various challenges of land use planning and territorial development, ensure the consistent development of the city by harmonizing the boroughs' planning by-laws, enable the by-laws to be implemented efficiently and facilitate citizens' understanding of the standards, while taking into account contemporary challenges, changes in the communities' needs, and the communities' characteristics;

AS, to complete the revision successfully, it is necessary to authorize a Ville de Longueuil borough council to adopt, not later than 31 December 2024, any replacement by-law referred to in section 110.10.1 of the Act respecting land use planning and development (chapter A-19.1), with certain adaptations, even though the city's revised planning program came into force on 28 October 2021;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE LONGUEUIL

**1.** Section 15 of the Charter of Ville de Longueuil (chapter C-11.3) is amended by replacing "15" by "18".

**2.** Section 22 of the Charter is amended by replacing "four" in the first paragraph by "five".

**3.** Schedule B to the Charter is amended by replacing "Saint-Hubert: 5" and "Vieux-Longueuil: 9" by "Saint-Hubert: 7" and "Vieux-Longueuil: 10", respectively.

TRANSITIONAL AND FINAL PROVISIONS

**4.** The amendments made to the Charter of Ville de Longueuil (chapter C-11.3) by sections 1 and 3 of this Act have effect, before 3 November 2025, only for the purposes of an instrument relating to the 2025 general election.

**5.** A borough council of Ville de Longueuil may, not later than 31 December 2024, adopt any replacement by-law referred to in section 110.10.1 of the Act respecting land use planning and development (chapter A-19.1), even though the city's revised planning program came into force on 28 October 2021.

For the purposes of section 136.0.1 of that Act, a replacement by-law must be approved by all qualified voters in the territory of the borough concerned.

Section 239 of that Act applies in respect of the time limit prescribed in the first paragraph.

**6.** This Act comes into force on 14 February 2024.

106722

# Regulations and other Acts

Gouvernement du Québec

## O.C. 290-2024, 21 February 2024

Regulation to amend the Regulation respecting the rates for using the public fast-charging service for electric vehicles

WHEREAS, under section 22.0.2 of the Hydro-Québec Act (chapter H-5), the Government must, by regulation, fix the rates for using a public fast-charging service for electric vehicles established by Hydro-Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the rates for using the public fast-charging service for electric vehicles was published in Part 2 of the *Gazette officielle du Québec* of 8 November 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 the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Economy, Innovation and Energy:

THAT the Regulation to amend the Regulation respecting the rates for using the public fast-charging service for electric vehicles, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the rates for using the public fast-charging service for electric vehicles

Hydro-Québec Act
(chapter H-5, s. 22.0.2)

**1.** The Regulation respecting the rates for using the public fast-charging service for electric vehicles (chapter H-5, r. 1) is amended in section 1 by replacing the last sentence by the following: "The rates are fixed, as the case may be, on an hourly basis or based on the quantity of electricity supplied to the user in kilowatt-hours (kWh). The rates vary according to the power of the station used and, as the case may be, according to the conditions determined in the Schedule.".

**2.** Schedule I to the Regulation is amended by inserting the following heading before section 1:

"HOURLY RATES".

**3.** Section 3 of Schedule I to the Regulation is amended by striking out "during charging" in the heading of the first column of the table in that section.

**4.** Section 4 of Schedule I to the Regulation is amended by striking out "during charging" in the heading of the first column of the table in that section.

**5.** Schedule I to the Regulation is amended by adding the following at the end:

"RATES BASED ON THE QUANTITY OF ELECTRICITY SUPPLIED TO THE USER IN KILOWATT-HOURS AND HOURLY RATES

**5.** For the use of a 24 kW fast-charging station whose meter has been verified and sealed in accordance with the Electricity and Gas Inspection Act (Revised Statutes of Canada, 1985, c. E-4) or that displays a placard indicating that the meter has a dispensation from Measurement Canada:

"

| Power used | Vehicle battery charge level | Rate per kWh | Hourly rate |
|---|---|---|---|
| Less than 10 kW | Equal to or less than 90% | N/A | $6.75 |
| | Greater than 90% | N/A | $6.75 |
| Equal to or greater than 10 kW | N/A | $0.31 | N/A |

**6.** For the use of a 50 kW fast-charging station whose meter has been verified and sealed in accordance with the Electricity and Gas Inspection Act (Revised Statutes of Canada, 1985, c. E-4) or that displays a placard indicating that the meter has a dispensation from Measurement Canada:

“

| Power used | Vehicle battery charge level | Rate per kWh | Hourly rate |
|---|---|---|---|
| Less than 20 kW | Equal to or less than 90% | N/A | $11.43 |
| | Greater than 90% | N/A | $22.87 |
| Equal to or greater than 20 kW | N/A | $0.31 | N/A |

**7.** For the use of a 100 kW fast-charging station whose meter has been verified and sealed in accordance with the Electricity and Gas Inspection Act (Revised Statutes of Canada, 1985, c. E-4) or that displays a placard indicating that the meter has a dispensation from Measurement Canada:

“

| Power used | Vehicle battery charge level | Rate per kWh | Hourly rate |
|---|---|---|---|
| Less than 20 kW | Equal to or less than 90% | N/A | $14.09 |
| | Greater than 90% | N/A | $28.18 |
| Equal to or greater than 20 kW and less than 50 kW | N/A | $0.41 | N/A |
| Equal to or greater than 50 kW | N/A | $0.36 | N/A |

**8.** For the use of a fast-charging station of more than 100 kW whose meter has been verified and sealed in accordance with the Electricity and Gas Inspection Act (Revised Statutes of Canada, 1985, c. E-4) or that displays a placard indicating that the meter has a dispensation from Measurement Canada:

“

| Power used | Vehicle battery charge level | Rate per kWh | Hourly rate |
|---|---|---|---|
| Less than 20 kW | Equal to or less than 90% | N/A | $15.93 |
| | Greater than 90% | N/A | $31.87 |
| Equal to or greater than 20 kW and less than 50 kW | N/A | $0.46 | N/A |
| Equal to or greater than 50 kW and less than 90 kW | N/A | $0.36 | N/A |
| Equal to or greater than 90 kW and less than 180 kW | N/A | $0.46 | N/A |
| Equal to or greater than 180 kW | N/A | $0.52 | N/A |

”.

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

106726

Gouvernement du Québec

## **O.C. 294-2024,** 21 February 2024

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**

Regulation respecting the 2023 upper limit of kill for moose

WHEREAS, under subparagraph *f* of the first paragraph of section 78 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), the Hunting, Fishing and Trapping Coordinating Committee may in particular establish the upper limit of kill for moose allocated to the Native people or non-Natives and for the middle zone;

WHEREAS, by its resolution 22-23:13 adopted on 15 December 2022, the Coordinating Committee established the upper limit of kill for moose in Area 17 at 104 moose;

WHEREAS, under the third paragraph of section 78 of the Act, save for reasons of conservation, the Government must make regulations to implement the measures decided by the Coordinating Committee respecting in particular moose contemplated in subparagraph *f* of the first paragraph of that section;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the 2023 upper limit of kill for moose was

published in Part 2 of the *Gazette officielle du Québec* of 1 November 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 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 respecting the 2023 upper limit of kill for moose, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
*Clerk of the Conseil exécutif*

## 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*.

106727

## **M.O.,** 2024

**Order 2024-04 of the Minister of Transport and Sustainable Mobility dated 20 February 2024**

Highway Safety Code
(chapter C-24.2, s. 633.2)

Use of flexible folding aerodynamic systems for road vehicles

THE MINISTER OF TRANSPORT AND SUSTAINABLE MOBILITY,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport and Sustainable Mobility may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that section 633.2 of the Code also provides that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that section 633.2 of the Code provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.2;

CONSIDERING the revocation of the Ministerial Order concerning the use of flexible folding aerodynamic systems for road vehicles (chapter C-24.2, r. 43.2) on 10 October 2023;

CONSIDERING that it is still advisable to allow the use of flexible folding aerodynamic systems at the rear of a road vehicle;

CONSIDERING that the Minister considers that the use of flexible folding aerodynamic systems at the rear of a road vehicle, in compliance with the conditions imposed, is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Minister considers that the rules the Minister prescribes, applicable when using the exemption, ensure an equivalent level of safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted on the suspension;

ORDERS AS FOLLOWS:

**1.** Section 474 of the Highway Safety Code (chapter C-24.2) is suspended with respect to a flexible folding aerodynamic system installed at the rear of a road vehicle provided that, as shown,

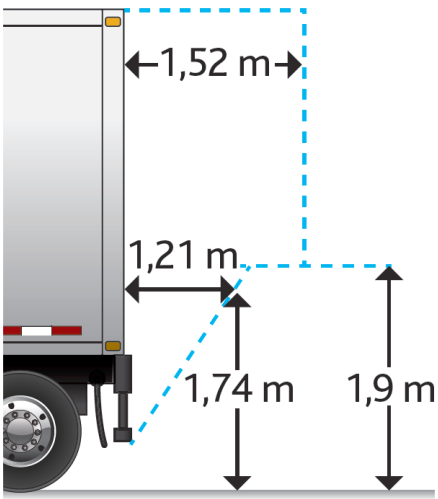
(1) no part of the system located at more than 1.9 m from the ground exceeds the rear end of the vehicle by more than 152 cm when extended;

(2) no part of the system located at less than 1.9 m from the ground exceeds a virtual line connecting the following points when extended:

(*a*) a point located at 1.74 m from the ground and 121 cm from the rear end of the vehicle;

(*b*) a point located at the rear end and the lowest part of the vehicle bumper or, if there is no bumper, a point located at the lowest part of the rear end of the vehicle;

(3) no part of the system exceeds the rear end of the vehicle by more than 30.5 cm when folded.




**2.** With respect to a flexible folding aerodynamic system installed at the rear of a road vehicle, the second paragraph of section 4.1 of the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31) is suspended and replaced by the following:

"The same applies to the flexible folding aerodynamic system located at the rear of a road vehicle, provided that, as shown,

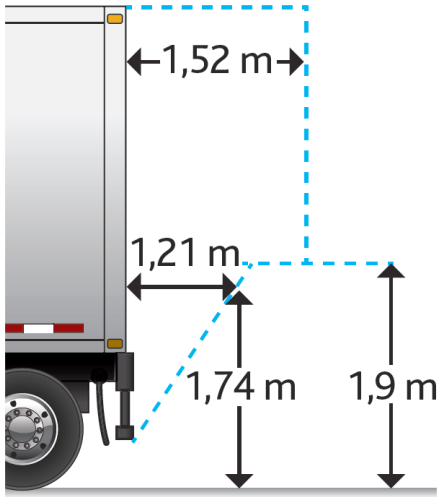
(1) no part of the system located at more than 1.9 m from the ground exceeds the rear end of the vehicle by more than 152 cm when extended;

(2) no part of the system located at less than 1.9 m from the ground exceeds a virtual line connecting the following points when extended:

(*a*) a point located at 1.74 m from the ground and 121 cm from the rear end of the vehicle;

(*b*) a point located at the rear end and the lowest part of the vehicle bumper or, if there is no bumper, a point located at the lowest part of the rear end of the vehicle;

(3) no part of the system exceeds the rear end of the vehicle by more than 30.5 cm when folded.




".

**3.** With respect to a flexible folding aerodynamic system installed at the rear of a semi-trailer of a road train, subparagraphs 3 and 4 of the first paragraph of section 3 of the Special Road Train Operating Permits Regulation (chapter C-24.2, r. 36) are suspended and replaced by the following:

"(3) the first semi-trailer has a maximum length of 16.20 m and a minimum length of 12 m, in the case of a type B double train, or 13.50 m in the case of a type A or C double train, the whole without taking into account the presence of a flexible folding aerodynamic system located at the rear of the semi-trailer, provided that, as shown,

(*a*) no part of the system located at more than 1.9 m from the ground exceeds the rear end of the vehicle by more than 152 cm when extended;

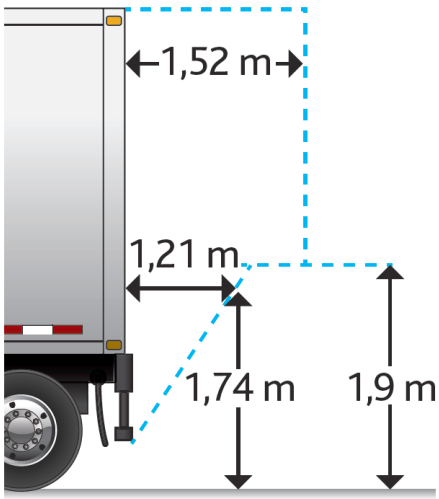
(*b*) no part of the system located at less than 1.9 m from the ground exceeds a virtual line connecting the following points when extended:

i. a point located at 1.74 m from the ground and 121 cm from the rear end of the vehicle;

ii. a point located at the rear end and the lowest part of the vehicle bumper or, if there is no bumper, a point located at the lowest part of the rear end of the vehicle;

(*c*) no part of the system exceeds the rear end of the vehicle by more than 30.5 cm when folded.

(4) the second semi-trailer has a maximum length of 16.20 cm and a minimum length of 12 m, without taking into account the presence of a flexible folding aerodynamic system located at the rear of a road vehicle and complying with subparagraph 3.”.




**4.** This Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked on 1 July 2026.

Québec, 20 February 2024

GENEVIÈVE GUILBAULT
*Minister of Transport and Sustainable Mobility*

106723

# Draft Regulations

## Draft Regulation

Supplemental Pension Plans Act
(chapter R-15.1)

**Exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act**
**— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is to harmonize the provisions of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), regarding flexible pension plans, with the tax rules and, regarding member-funded pension plans, with the provisions in force of the Supplemental Pension Plans Act (chapter R-15.1) and the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

More specifically, the draft Regulation includes the following measures:

— regarding flexible pension plans:

– subjecting every flexible pension plan to the provisions of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act;

– providing for the refund out of the pension fund of optional ancillary contributions not converted into optional ancillary benefits;

– allowing the conversion of optional ancillary contributions after payment of the pension began;

— regarding member-funded pension plans:

– allowing the benefits of certain members and beneficiaries affected by the withdrawal of their employer to be maintained in the plan if certain conditions are met;

– forcing the settlement of benefits of the members and beneficiaries maintained in the plan if the criteria determined by the plan's funding policy are met;

– simplifying the process of amendments related to pension indexation;

– simplifying the withdrawal process of an employer and the termination process of a plan;

– adding a transfer option to a locked-in retirement vehicle;

– providing that the terms and conditions related to the appropriation of surplus assets must be mentioned in the plan text;

– eliminating the conditions under which the plan can have annuities insured by an insurer, but prohibiting the purchase of buy-out annuities pursuant to an annuity purchasing policy;

– imposing an actuarial valuation of the plan as at 31 December 2024;

– harmonizing the provisions with those of the Supplemental Pension Plans Act concerning the amortization period of deficiencies, the degree of solvency applicable for the payment of benefits, the time limit for the invitation to attend the annual meeting and the transfer, partition and seizure of benefits.

The draft Regulation also includes the following measures:

– raising the number of plan members and beneficiaries from 26 to 51 under which the employer may serve as pension committee, if the plan text so provides;

– providing for the exemption from the financial report audit for every plan whose market value of the assets is lower than $5 million, regardless of the number of plan members and beneficiaries.

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

Further information on the draft Regulation may be obtained by contacting Stéphane Gamache, Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage,

Québec (Québec) G1V 4T3; email: stephane.gamache@retraitequebec.gouv.qc.ca; telephone: 418 657-8715, extension 3408; fax: 418 643-7421.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to René Dufresne, President and Chief Executive Officer of Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage, Québec (Québec) G1V 4T3. The comments will be forwarded by Retraite Québec to the Minister of Finance, who is responsible for the administration of the Supplemental Pension Plans Act.

ERIC GIRARD
*Minister of Finance*

## Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd par.)

**1.** The Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7) is amended in section 1 by replacing "25" in the part preceding subparagraph 1 of the first paragraph by "50".

**2.** Section 5 is amended by replacing "25" by "50".

**3.** Division III, including sections 7 and 7.1, is revoked.

**4.** Section 8 is amended by replacing "third paragraph of section 98" in the text concerning provisions related to transfers of benefits and assets by "fourth paragraph of section 98".

**5.** Section 10 is amended in the first paragraph

(1) by replacing "those rates are compiled monthly by Statistics Canada and published in the Bank of Canada Banking and Financial Statistics in series V122515 in the CANSIM system" in subparagraph 5 by "those rates are those referred to in the third paragraph of section 39 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6)";

(2) by replacing "third paragraph of section 98" in subparagraph 5.1, subparagraphs *a* and *b* of subparagraph 6 and subparagraph 12 by "fourth paragraph of section 98".

**6.** Section 13 is amended by replacing "third paragraph of section 98" by "fourth paragraph of section 98".

**7.** Section 16.1 is revoked.

**8.** The heading of Division V is amended by replacing "LA VÉRIFICATION" in the French text by "L'AUDIT".

**9.** Section 20 is amended

(1) by replacing "la vérification du rapport financier prévue" in the part preceding subparagraph 1 of the first paragraph of the French text by "l'audit du rapport financier prévu";

(2) by replacing subparagraph 3 of the first paragraph by the following:

"(3) a pension plan having net assets of a market value of less than $5 000 000.";

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

"The pension committee that, for a fiscal year subsequent to its first, intends to avail itself of such a dispensation referred to in subparagraph 3 of the first paragraph must inform the members and beneficiaries during the annual meeting.".

**10.** Division VI, including sections 21 to 25.6, is revoked.

**11.** Section 26 is amended

(1) by striking out "or defined benefit-defined contribution";

(2) by replacing "the requirements set forth in Bulletin 96-3, dated 25 November 1996, entitled "Flexible Pension Plans" published by Registered Plans Directorate of Canada Revenue Agency" by "Canada Revenue Agency's requirements respecting flexible pension plans";

(3) by replacing "in the said Bulletin" by "by the said Agency".

**12.** Section 28 is replaced by the following:

"**28.** The following special modifications apply regarding optional ancillary contributions:

(1) the provisions of section 47 of the Act apply to the provisions until they are converted into optional ancillary benefits or refunded;

(2) the provisions of section 83 of the Act apply provided that the member is entitled, from the date on which a pension begins to be paid to the member under the plan, to purchase optional ancillary benefits, whose value is determined in accordance with section 33 with the contributions and accrued interest, or to a refund of those contributions and that interest;

(3) the provisions of the first paragraph of section 86 and subparagraph 2 of the first paragraph of section 98 of the Act apply without taking into account optional ancillary contributions not converted into optional ancillary benefits before the date of death, the date on which the member ceased to be an active member or the date of the transfer application so that the contributions are refunded, as the case may be, pursuant to the second paragraph of section 86 or subparagraph 1 of the first paragraph of section 98 of the Act.".

**13.** Section 29 is amended

(1) by replacing subparagraph 3 of the first paragraph by the following:

"(3) the right to the refund of optional ancillary contributions that the member has paid that have not been converted into optional ancillary benefits, as well as the conditions and time periods applicable to the refund.";

(2) by striking out "exempted from the application of certain provisions of the Supplemental Pension Plans Act" in the second paragraph.

**14.** Sections 30 to 32 are revoked.

**15.** Section 33 is replaced by the following:

"**33.** The provisions of section 67.4 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) apply to the calculation of the value of optional ancillary benefits.

The plan may provide that the value referred to in the first paragraph is calculated using, for the purposes of standards of practice referred to in that section, the average of the rates for the 24 calendar months preceding the calculation date rather than the rate applicable to the calendar month preceding that date.".

**16.** Section 35 is amended

(1) by inserting the following after paragraph 1:

"(1.1) the optional ancillary contributions converted into optional ancillary benefits during the fiscal year;

(1.2) the optional ancillary contributions that were subject to partition or a transfer of the member's benefits or seizure for non-payment of support during the fiscal year;

(1.3) the member's optional ancillary contributions balance account at the ending date of the fiscal year;";

(2) by replacing paragraph 3 by the following:

"(3) where the circumstances warrant and at least once every 3 years, the optional ancillary contributions at the ending date of the fiscal year that could not be converted into additional optional benefits by supposing that the member ceased to be an active member on that date and that the optional ancillary contributions were converted at the optimum value of the options available under the plan.".

**17.** Section 35.1 is amended

(1) by replacing paragraph 2 by the following:

"(2) where a member is entitled to a deferred pension:

(*a*) the optional ancillary contributions entered separately in the member's account during the fiscal year concerned and, since the member has joined the plan, the total of the contributions accrued with interest at the end of the fiscal year;

(*b*) the optional ancillary contributions converted into optional ancillary benefits during the fiscal year;

(*c*) the optional ancillary contributions that were subject to partition or a transfer of the member's benefits or seizure for non-payment of support during the fiscal year;

(*d*) the member's optional ancillary contributions balance account with interest accrued at the ending date of the fiscal year;";

(2) by replacing paragraph 3 by the following:

"(3) where the circumstances warrant and at least once every 3 years, the optional ancillary contributions at the ending date of the fiscal year that could not be converted into additional optional benefits by supposing that the member exercised his or her transfer right on that date and that the optional ancillary contributions are converted at the optimum value of the options available under the plan.".

**18.** Section 35.2 is revoked.

**19.** Section 36 is amended

(1) by replacing "in paragraphs 1 and 2" in paragraph 1 by "in paragraphs 1 to 2";

(2) by replacing paragraph 2 by the following:

"(2) where the circumstances warrant, the optional ancillary contributions at the date on which the member ceased to be an active member that could not be converted into optional ancillary benefits by supposing that the optional ancillary contributions are converted at the optimum value of the options available under the plan.".

**20.** Section 37 is replaced by the following:

"**37.** For the purposes of section 36.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), a member's aggregate benefits include optional ancillary contributions not converted into optional ancillary benefits and are treated as capital benefits.".

**21.** Section 38 is revoked.

**22.** Section 64.1 is revoked.

**23.** Section 65 is replaced by the following:

"**65.** This division refers to a pension plan called a "member-funded pension plan", a defined-benefit pension plan, which has the following characteristics:

(1) the plan's commitments, less the employer contribution fixed in the plan, are borne by the plan's active members;

(2) the employer contribution is limited to the contribution stipulated in the plan;

(3) on 1 January of each year, the plan provides for an assumption for the indexation of pensions before and after retirement of all the plan's members and beneficiaries according to the increase in the seasonally unadjusted All-items Consumer Price Index for Canada, published by Statistics Canada for each month during the 12-month period ending on 31 December of the preceding year; the indexation rate cannot be less than 0% or more than 4%;

(4) the cap on the plan's degree of solvency for the purposes of the payment of the value of benefits does not apply;

(5) only the members and beneficiaries are entitled to the surplus assets, unless the tax rules require that the employer be relieved from paying the employer contributions through appropriation of all or part of the plan's surplus assets;

(6) surplus assets are allocated as a priority to the indexation of pensions, in accordance with subdivision 11 of this division;

(7) the plan may not be amended or terminated, directly or indirectly, unilaterally by an employer that is a party to the plan or, in the case of a multi-employer pension plan, even not considered as such under section 11 of the Act, by all the employers that are party to the plan or by one of them.".

**24.** Section 66 is amended by replacing the part preceding paragraph 1 by the following:

"**66.** A member-funded pension plan cannot be".

**25.** The following is inserted after section 66:

"**66.1.** A member-funded pension plan cannot contain provisions which, in a defined-benefit pension plan, are identical to those of a defined-contribution plan.

**66.2.** The provisions of the Act apply to member-funded pension plans with the exclusions and adaptations provided for in this division.

In the event of incompatibility, the provisions of this division prevail.".

**26.** The following is inserted before section 67:

*"§2. Establishment, amendment and registration".*

**27.** Subdivisions 2 and 3 of Division X, including sections 68 to 95, are replaced by the following:

"**68.** A member-funded pension plan may be established only if the eligible employees consent to the obligations incumbent on them under the plan.

Likewise, a plan amendment resulting in an increase in member contributions may be made only if the members subject to the increase consent to it, unless the amendment

(1) has been made mandatory by a new legislative or regulatory provision giving no latitude;

(2) results from the withdrawal of an employer referred to in section 199 or 199.1 of the Act or the cessation of eligibility considered a withdrawal of an employer pursuant to section 123;

(3) involves the appropriation of surplus assets and meets all the terms and conditions provided for under the plan;

(4) is referred to in section 97.

Approval in writing of the plan's establishment or amendment by an accredited association constitutes consent, as the case may be, of the eligible employees or the members concerned that it represents.

For the employees eligible for membership under the plan or the members concerned by the amendment to the plan who are not represented by such an association, their consent is deemed obtained if less than 30% of them are opposed to the plan's establishment or amendment, as the case may be.

Sections 146.4 and 146.5 of the Act apply, with the necessary modifications, to the consultation required to obtain consent.

The notice referred to in section 146.4 of the Act must, in the case of the plan's establishment, mention that the cost of the plan's commitments, less the employer contribution, is borne by the plan's active members, that the members and beneficiaries' pensions may be indexed provided that the plan remains fully funded and that the assets determined upon plan termination are entirely allocated to the plan's members and beneficiaries.

**69.** The plan text must indicate, in addition to the information required under the second paragraph of section 14 of the Act, except for the information referred to in subparagraph 9.1 of the second paragraph and the information related to the appropriation and allocation of surplus assets referred to in subparagraphs 16 to 18 of the second paragraph of that section,

(1) the characteristics referred to in paragraphs 1 to 6 of section 65;

(2) the terms and conditions for the indexation of pensions provided for under the plan's funding method;

(3) that the assets determined upon termination of the plan are entirely allocated to the plan's members and beneficiaries, proportionately to the value of their benefits on a solvency basis;

(4) the person or body that is empowered to terminate the pension plan and under what conditions;

(5) the rules used to determine the date of withdrawal of an employer party to the plan;

(6) in the case of a plan that meets the requirements of section 105, that the benefits of members and beneficiaries affected by the withdrawal of an employer party to the plan whose pension is paid on the date of withdrawal or who would have been entitled to payment of a pension if they had applied for it on that date may be maintained in the plan if, according to the criteria established by the funding policy, such maintenance of benefits is permitted.

The conditions and procedure for appropriating surplus assets that must be mentioned in the plan text are those established in accordance with the provisions of subdivision 11 of this division.

**70.** The notice required under section 16 of the Act, where a pension plan becomes effective before it is registered with Retraite Québec, must indicate that the plan is a member-funded pension plan.

**71.** The application for registration referred to in section 24 of the Act must be accompanied by an attestation that the consents required under section 68 have been obtained and that they can be provided to Retraite Québec on request.

**72.** Registration of a member-funded pension plan requires that the report referred to in subparagraph 1 of the first paragraph of section 118 of the Act shows that the pension plan is fully funded and solvent on the date it comes into force.

Registration of an amendment to such a plan, except for an amendment referred to in subparagraph 1 of the second paragraph of section 68, requires that the report referred to in subparagraph 4 of the first paragraph of section 118 of the Act shows that the plan, once the commitments resulting from the amendment are taken into account, remains fully funded and solvent at the date of the actuarial valuation or remains fully funded at that date if it is an amendment referred to in section 112.

*§3. Contributions*

I. — *Member contribution*

**73.** In the case of a member-funded pension plan, the contribution payable referred to in section 39 of the Act, less the employer contribution stipulated in the plan, is borne by the active members.

All contributions that an active member is required to pay under the first paragraph are considered as member contributions.

**74.** Member contributions are paid in equal instalments, at the frequency provided for under the plan. The instalments may represent an hourly rate or a rate of remuneration. The rate must be uniform unless it is established by reference to a variable authorized by Retraite Québec.

Where member contributions are not determined at the beginning of the fiscal year, the member must continue to pay fixed contributions for the preceding year. Any variation in the amount of payments established by an actuarial valuation of the plan takes effect on the date on which the fiscal year begins following the first fiscal year for which the contribution is calculated.

II. — *Employer contribution*

**75.** The provisions of the second paragraph of section 41 of the Act apply to the monthly payments of every employer contribution to member-funded pension plans, whatever the type.

Adjustments to the monthly payments of employer contributions provided for in the fourth paragraph of section 41 of the Act do not apply.

**76.** Sections 42.1 and 42.2 of the Act do not apply to member-funded pension plans.

III. — *Voluntary contribution*

**77.** Voluntary contributions are, until retirement, credited to an account from which all other types of contributions are excluded.

IV. — *Special payments*

**78.** No special improvement payment or special annuity purchasing payment may be established under a member-funded pension plan.

*§4. Refunds and pension benefits*

**79.** Sections 60 and 61 of the Act do not apply to benefits acquired under a member-funded pension plan.

The value of benefits accrued under a member-funded pension plan must be determined at the date of vesting of the benefits, on the basis of the actuarial assumptions determined under Division VIII.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

Such value is, for the purposes of the Act, in particular for the transfer of benefits, substituted for the value of the member's benefits that would otherwise be determined pursuant to section 61 of the Act.

**80.** For the purposes of the Act, a reference to the actuarial assumptions referred to in section 61 of the Act constitutes a reference to the actuarial assumptions referred to in the second paragraph of section 79.

Despite the foregoing, to determine the additional pension referred to in section 84 of the Act or a pension referred to in section 105 of the Act purchased with amounts transferred, the assumptions to be used are those used in verifying the funding of a plan for the purposes of its most recent actuarial valuation.

**81.** In order to establish the amount of the early benefit referred to in section 69.1 of the Act, the value of the member's benefits under the plan is the value assigned to the member's benefits for the purposes of their payment by supposing that the member ceases to be an active member and exercises his or her right to the refund or transfer of his or her benefits on the date on which the member applies for the payment of the benefit.

**82.** Section 78 of the Act related to contributions paid during the postponement period of a pension does not apply to member-funded pension plans.

**83.** Despite subparagraph 2 of the first paragraph of section 93 of the Act, the option of replacing the pension with a pension the amount of which is increased periodically according to an index or at a rate cannot be offered under a member-funded pension plan.

**84.** Despite the second paragraph of section 5 of the Act, the plan may not contain provisions that are more advantageous than those contained in this subdivision.

*§5. Transfer of benefits and assets*

**85.** Despite section 101 of the Act, the conditions set out in section 107 for the payment of the benefits of members and beneficiaries apply to the payment of transferred amounts.

**86.** A member-funded pension plan cannot be the subject of a general agreement referred to in section 106 of the Act.

**87.** Any amount transferred in the pension plan must, on the date of the transfer even otherwise than under Chapter VII of the Act, be converted, on the basis of the actuarial assumptions used to measure the funding of the plan for the purposes of the most recent actuarial valuation of the plan, into a normal pension amount.

The value of benefits transferred to another plan is determined in accordance with the second paragraph of section 79.

*§6. Transfer of benefits between spouses*

**88.** For the purposes of partition or the transfer of a member's benefits or the seizure of such benefits for non-payment of support, the most recent degree of

solvency of the plan referred to in the fourth paragraph of section 143 that precedes the date of their valuation must be taken into account in determining the value of the member's benefits.

*§7. Information to members*

I. — *Documents*

**89.** The summary of a member-funded pension plan must include the following instead of the particulars referred to in subparagraphs 1 and 6 of the first paragraph of section 56.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6):

(1) that the members' and beneficiaries' pensions under the plan may be indexed only if the plan is fully funded;

(2) that the assets determined upon termination of the plan are entirely allocated to the members and beneficiaries whose benefits were not paid before the date of termination.

It must also indicate

(1) that the plan is exempted from several provisions of the Act;

(2) that the plan's commitments, less the employer contribution, are borne by the plan's active members.

**90.** In all statements of benefits, member contributions are mentioned without stating whether they are service contributions or amortization payments.

In addition, the information to be included must be established by taking into account the following characteristics of member-funded pension plans:

(1) the provisions of section 60 of the Act do not apply;

(2) the plan's degree of solvency referred to in section 143 of the Act cannot be capped;

(3) the rules provided for in section 146 of the Act do not apply;

(4) the indexation of pensions can only be included in an amendment resulting from the appropriation of surplus assets.

**91.** To establish the second part of the annual statement referred to in section 112 of the Act and sent to a member or beneficiary, the provisions of the first paragraph of section 59.0.2 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) apply, in accordance with the following rules:

(1) the degree of funding referred to in subparagraph 1 must be given with and without the indexation referred to in section 99;

(2) the maximum amount of surplus assets that can be used under subparagraph 2 is the amount established in accordance with the second paragraph of section 111;

(3) the share of the surplus assets used under subparagraph 5 is the amount established in accordance with the second paragraph of section 111.

II. — *Annual meeting*

**92.** If the plan allows the benefits of members and beneficiaries affected by the withdrawal of an employer party to the plan to be maintained in the plan, the following subjects must be on the agenda of the annual meeting, in addition to those referred to in section 61.0.11 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6):

(1) the main risks associated with such maintenance of benefits;

(2) the measures taken during the last fiscal year of the plan to manage these risks.

*§8. Funding*

I. — *General provisions*

**93.** An actuarial valuation referred to in subparagraph 2 of the first paragraph of section 118 of the Act must be carried out at the ending date of the plan's fiscal year.

An actuarial valuation related to the appropriation of surplus assets under subdivision 11 of this division must be carried out at the ending date of the fiscal year preceding the fiscal year during which the surplus assets were appropriated.

An actuarial valuation referred to in the second paragraph of section 118 of the Act must be carried out at the ending date of the plan's fiscal year. To determine whether or not an actuarial valuation is required, the funding level to be used is the one established without taking into account the assumption for indexation of the pensions referred to in section 99.

Despite the third paragraph of section 118 of the Act, any actuarial valuation of a member-funded pension plan must be complete.

**94.** The report related to an actuarial valuation of the plan must include, in addition to the requirements of subdivision 3 of Division I of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), the funding level referred to in paragraph 5 of section 5 of that Regulation with and without the assumption for indexation of the pensions referred to in section 99.

It must also include, instead of the information referred to in subparagraphs 6 and 7 of the first paragraph of section 6 of the Regulation, the member contribution provided for in the plan, if it is higher than the contribution provided for in section 73, and the description of the variation in the contribution resulting from the application of the second paragraph of section 74.

In addition, member contributions must be mentioned therein without stating whether they are service contributions or amortization payments.

**95.** If the plan allows the benefits to be maintained in the plan in the case of the withdrawal of an employer or has benefits maintained in the plan, all reports related to an actuarial valuation of the plan must indicate the criteria established by the funding policy, in accordance with section 105 and determine, at the date of the actuarial valuation, whether such maintenance of benefits may be offered in the case of withdrawal of an employer and if wound-up benefits, in accordance with subdivision 13 of this division, must be maintained in the plan, where applicable.

**96.** For the purposes of the report related to an actuarial valuation referred to in subparagraph 5 of the first paragraph of section 118 of the Act, the maximum amount of surplus assets that can be used under the first paragraph of section 11.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), is the amount established in accordance with the second paragraph of section 111, and the amount of the surplus assets that are expected to be used and the conditions for their appropriation are those determined in accordance with subdivision 11 of this division.

**97.** No more than 30 days after the date of the report on the actuarial valuation, the pension committee must inform the active members of any ensuing change to the member contribution. To do so, a notice is sent to each accredited association representing members, as well as to each member not represented by such an association, informing them that the change will take effect without further consultation according to the conditions provided for in the second paragraph of section 74.

Despite the foregoing, a pension plan may provide that the active members can elect to have the pension credit adjusted in lieu of a change to the member contribution. In such a case, the notice provided for in the first paragraph must indicate that the members must express their opinion on the proposed change to the member contribution and that the pension credit is to be adjusted accordingly for each accredited association or each group of unrepresented members that does not accept the proposal. The rules provided for in sections 146.4 and 146.5 of the Act apply to the consultation, with the necessary modifications.

The amendments to be made to the plan further to the decision of the active members are made without further consultation.

II. — *Funding*

**98.** Member-funded pension plans are exempt from the obligation referred to in section 125 of the Act to establish a stabilization provision.

**99.** The funding method referred to in section 126 of the Act must include the assumption for the indexation of pensions established in accordance with the plan's funding rules.

**100.** All funding deficiencies must be established without taking into account the assumption for the indexation of pensions provided for in section 99.

**101.** An improvement unfunded actuarial liability cannot be established in a member-funded pension plan, with the exception of an amendment referred to in subparagraph 1 of the second paragraph of section 68.

**102.** Despite section 137 of the Act, the amortization amounts to be paid for an unfunded actuarial liability for all or part of each of the pension plan's fiscal years included in the amortization period may be distributed according to the conditions set out in the pension plan.

For the purposes of the first paragraph, the provisions related to payroll and the number of active members are the same as those used to verify the plan's funding for the purposes of its last actuarial valuation.

**103.** The service contribution can be expressed, in addition to what is provided for in section 140 of the Act, as a fixed amount per active member.

III. — *Solvency*

**104.** Despite section 142.3 of the Act, the values related to the plan's solvency are determined according to the rules set out in section 121.

IV. — *Funding policy*

**105.** A member-funded pension plan can allow the benefits of members and beneficiaries affected by the withdrawal of an employer party to the plan to be maintained in the plan only if the plan's funding policy determines the plan's funding level under which, on the one hand, the option to maintain their benefits in the plan may not be offered to members and beneficiaries affected by the withdrawal of an employer and, on the other hand, benefits maintained in the plan during previous employer withdrawals must be wound up. The limit may not be lower than 100%.

The funding level to be used is the one established without taking into account the assumption for the indexation of pensions, determined by the most recent actuarial valuation of the plan.

The funding policy may provide for criteria which, among the following, must in addition be considered for the purposes referred to in the first paragraph:

(1) the percentage that the plan's liabilities related to the benefits of members and beneficiaries whose benefits are maintained in the plan after employer withdrawals are of the plan's liabilities determined on a funding level;

(2) the plan's level of maturity, knowing the percentage that the plan's liabilities related to the benefits of members whose pension is in payment and of beneficiaries, determined on a funding level, are of the plan's total liabilities;

(3) the plan's degree of solvency.

***§9.*** *Payment of benefits made in accordance with the annuity purchasing policy*

**106.** A payment of benefits made in accordance with the annuity purchasing policy referred to in section 142.4 of the Act cannot be carried out in a member-funded pension plan.

***§10.*** *Payment of benefits*

**107.** Despite the third paragraph of section 143 of the Act, the degree of solvency applicable to the payment of benefits cannot be capped.

Sections 144 to 146 of the Act do not apply to member-funded pension plans.

**108.** Voluntary contributions are refunded with accrued interest.

***§11.*** *Appropriation of surplus assets*

**109.** During the life of a member-funded pension plan, the appropriation of surplus assets is subject to the provisions of this subdivision rather than the provisions referred to in section 146.1 of the Act.

Despite the foregoing, the provisions of the first paragraph of section 146.2 and sections 146.3 to 146.5.1 of the Act apply, with the necessary modifications.

**110.** Surplus assets can only be appropriated for the following, according to the plan's provisions:

(1) indexation of pensions;

(2) provided that the pensions are fully indexed, payment of member contributions, payment of the value of additional commitments resulting from an amendment to the plan or a combination of both.

**111.** Surplus assets can be appropriated, as the case may be:

(1) if they are appropriated for the indexation of pensions, once the plan is fully funded;

(2) where the plan is fully funded and solvent and only if pensions are fully indexed for any of the purposes provided for in the plan under paragraph 2 of section 110.

In the case referred to in subparagraph 1 of the first paragraph, the maximum amount of surplus assets that can be used is equal to the amount of surplus assets determined on a funding basis and, in the case referred to in subparagraph 2 of the first paragraph, to the lesser amount of surplus assets determined on a funding basis and those determined on a solvency basis, established on the date of the actuarial valuation and taking into account, if applicable, the previous appropriation of the surplus assets to the indexation of pensions.

**112.** Subject to section 111, a pension plan can be amended in order to index the pension of each member and beneficiary in accordance with the provisions of the plan.

An amendment related to indexation cannot become effective on a date before the date of the plan's last actuarial valuation or more than one year after that date.

**113.** The appropriation of surplus assets to the payment of member contributions ceases on the date of any actuarial valuation or of any notice referred to in section 119.1 of the Act that shows that the conditions set out in subparagraph 2 of the first paragraph of section 111 are no longer met.

**114.** Despite the second paragraph of section 5 of the Act, no amendment related to the appropriation of surplus assets may be made to the plan unless it is in accordance with the provisions of this subdivision.

**115.** An adjustment resulting from the indexation referred to in section 112 applies to the amounts established in accordance with sections 15.3, 54 and 56.0.3 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

*§12. Division and merger*

**116.** The following are not authorized under a member-funded pension plan:

(1) the division of the plan's assets and liabilities among several plans, one of which is not a member-funded pension plan;

(2) the merger of the plan's assets and liabilities with those of a plan that is not a member-funded pension plan.

**117.** The second, third and fifth paragraphs of section 196 of the Act do not apply to member-funded pension plans.

*§13. Liquidation of the benefits of members and beneficiaries*

I. — *General provisions*

**118.** Despite sections 198, 207 and 240.2 of the Act, only the members and beneficiaries whose benefits have not been paid before the date of withdrawal of an employer party to a member-funded plan or the date of termination of such a plan are affected by the withdrawal or termination.

Despite subparagraph 1 of the third paragraph of section 198 of the Act, active members who are in the employ of another employer party to the plan on the date of the employer's withdrawal are not affected by such withdrawal.

**119.** As of the date of withdrawal of an employer or termination of the plan, no pension or part of pension of members or beneficiaries affected by the withdrawal or termination can be guaranteed by an insurer unless it is for the purposes of their payment in accordance with the provisions of this subdivision.

**120.** Member-funded pension plans are exempt from the application of the following provisions of Division II of Chapter XIII of the Act related to winding-up:

(1) sections 210.1 and 211 and the second and third paragraphs of section 212.1;

(2) subdivision 3, related to the distribution of assets;

(3) subdivision 4, related to debts of the employer;

(4) subdivision 4.0.1, related to the payment options in the event of insufficient assets;

(5) subdivision 4.1, related to the distribution of surplus assets in the event of termination;

(6) section 237.

**121.** Despite section 212 of the Act, the value of the benefits of the members and beneficiaries affected by the withdrawal of an employer or the termination of a plan must be determined at either of the following dates, using the assumptions referred to in the second paragraph of section 79 that are applicable at that date:

(1) the date the member ceased to be an active member, if the benefits whose value is being determined are those accrued to a member whose active membership ended before the date of the withdrawal or termination and who, at that date, had already opted, within the time limit set out in subparagraph 1 of the second paragraph of section 99 of the Act, for the payment of his or her benefits or still had time to exercise such an option, or those accrued to a beneficiary whose benefits under the plan derive from the service credited to such a member;

(2) the date of the withdrawal or termination, if the benefits whose value is being determined are those accrued to any other member or beneficiary affected by the withdrawal or termination, including any member or beneficiary whose pension is in payment on that date.

The benefits accrued to the members and beneficiaries referred to in subparagraph 1 of the first paragraph bear interest from the date their value is determined to the date of the withdrawal or termination, at the rate used for the purposes of the valuation.

**122.** In the event of withdrawal of an employer or the termination of the plan, section 216 of the Act does not apply to amendments to the plan related to the indexation of pensions under section 112.

II. — *Withdrawal of an employer*

**123.** The cessation of active members' eligibility under the plan resulting from a decision concerning the accreditation of an association of employees or a decision of a group of employees provided for under the pension plan is considered to be a withdrawal of an employer. In this case, the following are affected by the withdrawal:

(1) active members who cease to be employees eligible for membership in the plan by reason of the decision;

(2) non-active members who would have ceased to be employees eligible for membership in the plan if they had been active members on the date of the decision;

(3) beneficiaries whose benefits derive from the service credited to a member who, were it not for his or her death, would have been referred to in subparagraph 1 or 2.

Despite the foregoing, where, by reason of the decision referred to in the first paragraph, the members referred to in that paragraph become eligible for another member-funded pension plan, the plan in which they cease to be active members must, regardless of the conditions set out in the first paragraph of section 196 of the Act, be subject to an amendment concerning the division of its assets and liabilities. If the person authorized under the plan to make such an amendment fails to do so within 30 days after the pension committee is informed of the decision, the committee must proceed with the amendment. The members and beneficiaries referred to in subparagraphs 1, 2 and 3 of the first paragraph must be included in the division.

**124.** Where an employer withdraws from a pension plan, all the benefits accrued under a member-funded pension plan by a member who has worked for several employers party to the plan must be considered in the value of his or her benefits regardless of the employer under which the benefits were accrued.

**125.** Despite the second paragraph of section 198 of the Act, the date of withdrawal of an employer cannot be later than the date of the end of the fiscal year following the one in which the last contribution was required by members employed by that employer.

**126.** Only a plan whose funding policy includes provisions in conformity with those required by section 105 can provide for the benefits of members and beneficiaries affected by the withdrawal of an employer to be maintained in the plan.

Such benefits maintained in the plan can only be offered to members and beneficiaries whose pension is in payment on the date of the withdrawal or who would have been entitled to payment of a pension on that date if they had so requested.

In addition, benefits maintained in the plan cannot be offered if, on the date of the withdrawal, the plan's funding level is lower than the limit set by the funding policy or other criteria established by the funding policy are met on that date.

**127.** The notice referred to in section 200 of the Act that must be sent by the pension committee must contain the following, instead of the information listed in paragraphs 2 to 4 of that section:

(1) that the benefits of members and beneficiaries affected by the withdrawal will be paid based on the plan's degree of solvency;

(2) if the members' and beneficiaries' benefits cannot be maintained in the plan:

(*a*) that the benefits, adjusted in accordance with paragraph 1, of members and beneficiaries to whom a pension is in payment on the date of the withdrawal will be paid by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of those benefits or, if they so request, by means of a transfer under subparagraph *b*;

(*b*) that other members' benefits, adjusted in accordance with paragraph 1, will be paid by means of a transfer under section 98 of the Act, which applies with the necessary modifications or, if applicable, by a lump-sum payment or transfer to a registered retirement savings plan of the portion of their benefits that is refundable;

(3) if the members' and beneficiaries' benefits can be maintained in the plan,

(*a*) that the benefits of the members and beneficiaries referred to in the second paragraph of section 126 will be maintained in the plan, unless the members and beneficiaries request payment of their benefits adjusted in accordance with paragraph 1 by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of those benefits or by means of a transfer under subparagraph *b* of paragraph 2;

(*b*) that other members' benefits, adjusted in accordance with paragraph 1, will be paid using one of the methods referred to in subparagraph *b* of paragraph 2.

**128.** The pension committee must send to each member or beneficiary affected by the withdrawal, within 60 days of the date on which the notice referred to in section 200 of the Act is sent, a statement of benefits and their value, as well as the information necessary to choose a benefit payment method. Members and beneficiaries must be given at least 30 days to indicate their choice and exercise their options.

The statement must contain the following information:

(1) the information referred to in paragraphs 2 to 10 of section 58 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) and, unless the statement

is for a non-active member whose pension is in payment or a beneficiary, in paragraph 1 of that section, as established or updated on the date of the withdrawal;

(2) a mention whether or not it is possible to maintain the member's or beneficiary's benefits in the plan;

(3) the period during which the member's or beneficiary's choices must be provided to the pension committee;

(4) in the case of a member or beneficiary referred to in the second paragraph of section 126, an estimate of the annuity that can be purchased from an insurer with the value of his or her benefits adjusted in accordance with paragraph 1 of section 127 and a mention that the purchased annuity could differ.

An estimate of the annuity is made based on the premium determined using the assumptions for the hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date on which the statement was prepared. The premium must be increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.

**129.** If the members' and beneficiaries' benefits cannot be maintained in the plan, the statement must also indicate,

(1) in the case of a non-active member whose pension is in payment on the date of the withdrawal or a beneficiary,

(*a*) the payment methods provided for in subparagraph *a* of paragraph 2 of section 127;

(*b*) that the benefits, adjusted in accordance with paragraph 1 of section 127, will be paid by the purchase of an annuity from an insurer selected by the pension committee if the member or beneficiary does not indicate another choice within the period referred to in subparagraph 3 of the second paragraph of section 128;

(2) in the case of any other member, that the benefits, adjusted in accordance with paragraph 1 of section 127, will be paid by means of a transfer to a plan referred to in section 98 of the Act, which applies with the necessary modifications, or, where applicable, by a lump-sum payment or transfer to a registered retirement savings plan of the portion of his or her benefits that is refundable.

**130.** If the members' and beneficiaries' benefits can be maintained in the plan, the statement must also indicate,

(1) if it concerns a member or beneficiary referred to in the second paragraph of section 126

(*a*) the payment methods provided for in subparagraph *a* of paragraph 3 of section 127;

(*b*) that the benefits will be maintained in the plan if the member or beneficiary does not indicate another choice within the period referred to in subparagraph 3 of the second paragraph of section 128;

(*c*) an indication that the benefits maintained in the plan may, if the criteria provided for in the funding policy are later met, be wound up according to the rules provided for in paragraph 1 of section 129 and that the purchased annuity or transferred amount could be less than the pension to which the member or beneficiary would have been entitled on the date of the withdrawal;

(2) if it concerns any other member, the payment methods provided for in subparagraph *b* of paragraph 2 of section 127.

**131.** The value of the benefits accrued to the members and beneficiaries referred to in the second paragraph of section 202 of the Act may, with the authorization of Retraite Québec and subject to the conditions determined by Retraite Québec, be determined on any date other than the date referred to in that paragraph.

The third paragraph of that section does not apply to member-funded pension plans.

**132.** The benefits referred to in subparagraph 2 of the first paragraph of section 218 of the Act are paid in proportion to the plan's degree of solvency as established in the report related to the withdrawal of an employer referred to in section 202 of the Act and sent to Retraite Québec.

**133.** In the report referred to in section 202 of the Act, the plan's degree of solvency referred to in subparagraph 9 of the first paragraph of section 62 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) is the one determined for the entire plan at the date of the valuation of the members' and beneficiaries' benefits.

The withdrawal report must in addition indicate whether, on the date of the withdrawal, the benefits can be maintained in the plan based on the criteria established by the funding policy.

III. — *Liquidation of benefits maintained in the plan during the previous withdrawal of an employer*

**134.** Members and beneficiaries' benefits whose benefits were maintained in the plan following the employer's withdrawal must be settled where the report related to an actuarial valuation of the plan shows that the plan's

funding level, at the date of the actuarial valuation, is lower than the limit set by the plan's funding policy or that the other criteria established by the policy are met on that date.

**135.** The pension committee must, within 30 days of the date of the report, send to the members and beneficiaries a notice informing them, in addition to their benefits that will be settled,

(1) of any criterion that, according to the funding policy, imposes to settle their benefits;

(2) that the degree of solvency, applicable to the plan, is the most recent in the fourth paragraph of section 143 of the Act;

(3) that their benefits will be paid based on the plan's degree of solvency;

(4) that their benefits, adjusted in accordance with paragraph 3, will be paid by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of the benefits or, if they so request, by means of a transfer referred to in section 98 of the Act, which applies with the necessary modifications, or, where applicable, by a lump-sum payment or transfer to a registered retirement savings plan of the portion of those benefits that is refundable.

**136.** The settlement is carried out as though it was a withdrawal of an employer party to a plan that does not allow the benefits of members and beneficiaries affected by the withdrawal to be maintained in the plan.

Sections 119 to 122, 128, 129 and 131 to 133 apply, with the necessary modifications, including the following:

(1) the date of the actuarial valuation is substituted for the date of the withdrawal;

(2) the date of the valuation of the benefits of members and beneficiaries affected is the date of the actuarial valuation;

(3) for the purposes of section 128, the time limit for sending statements of benefits is established based on the date on which the notice referred to in section 135 was sent;

(4) the statement of benefits referred to in that section must also mention that the benefits of members and beneficiaries affected will be paid based on the plan's degree of solvency and in accordance with the rules provided for in paragraph 2 of section 127.

IV. — *Termination of the plan*

**137.** The right to terminate the plan referred to in section 204 of the Act belongs to the person or body to which such right is granted in the plan text.

**138.** If there remains a balance after payment of the benefits referred to in subparagraph 2 of the first paragraph of section 218 of the Act, the balance must be allocated to the members and beneficiaries proportionately to the value of their benefits.

**139.** In the termination report referred to in section 207.2 of the Act, the following modifications apply to the information referred to in the first paragraph of section 64 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6):

(1) the information required by subparagraph 7 must not be distributed by employer or category;

(2) the information referred to in subparagraphs 5, 8.1 to 8.4, 10 and 11 is not required;

(3) the values referred to in paragraph 8 must be established in accordance with section 121, each of those values is reduced in accordance with section 122.1 of the Act;

(4) the value of the benefits of members and beneficiaries affected by the termination must be distributed in accordance with each item of the payment order provided for in section 218 of the Act, which applies in accordance with paragraph 1 of section 120 and sections 122 and 138.

To prepare the statement of benefits referred to in section 207.3 of the Act, the following modifications apply:

(1) the information referred to in subparagraphs 1 and 2 of the first paragraph of section 65 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) must not be distributed by employer or category and the information referred to in subparagraphs 3, 4 and 5 of that paragraph is not required;

(2) the statement must include the value of the member's benefits that corresponds to the amount allocated to the member, where applicable, pursuant to section 138.

If it is intended for a member or beneficiary whose pension is in payment or has been suspended on the date of the termination, the statement must also indicate an estimate of the annuity that could be purchased from an insurer and mention that the purchased annuity could differ. It must also indicate that the value of the member's or beneficiary's benefits must be paid according to one of the following payment methods:

(1) by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of the benefits in accordance with section 218 of the Act, which applies in accordance with paragraph 1 of section 120 and sections 122 and 138;

(2) at the member's or beneficiary's request, by means of a transfer of the value of his or her benefits established in accordance with subparagraph 1 to a plan referred to in section 98 of the Act, with the necessary modifications.

The statement must also indicate that, if a member or beneficiary does not communicate his or her choices to the pension committee before the expiry of the period referred to in the first paragraph of section 207.2 of the Act, the value of his or her benefits will be paid by the purchase of an annuity referred to in subparagraph 1 of the second paragraph.

The estimate referred to in the second paragraph must be calculated based on the premium determined using the assumptions for the hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date on which the statement was prepared, increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.

**140.** Any amount paid by an employer, including any amount recovered after the date of termination in respect of contributions outstanding and unpaid at the date of termination, must be used for the payment of members' and beneficiaries' benefits in the order of priority established under section 218 of the Act.".

MISCELLANEOUS AND TRANSITIONAL

**28.** Section 20 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), as amended by section 9 of this Regulation, applies to the financial report that must accompany the annual information return related to any fiscal year of the plan ending after 30 December 2024.

If the annual meeting was held before 31 December 2024, the dispense from the financial report audit may apply provided that the members and beneficiaries have been informed in writing before the expiry of the period set out in section 161 of the Act to send the annual information return.

**29.** Every flexible pension plan, within the meaning of section 26 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), must comply with the provisions of this Regulation as of (*insert the date of coming into force of this Regulation*).

Despite the foregoing, the application for registration of amendments to a flexible pension plan that result from the provisions of Division VII, as amended by this Regulation, in particular regarding the refund of optional ancillary contributions not converted into optional ancillary benefits and regarding the plan text, must be filed with Retraite Québec no later than (*insert the date that occurs one year after the date of coming into force of this Regulation*).

**30.** Section 32 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), revoked by section 14 of this Regulation, continues to apply until payment by the employer of any amount determined before (*insert the date of coming into force of this Regulation*) in accordance with that section.

**31.** The provisions of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), as amended by this Regulation, apply to any partition, transfer or seizure of benefits of a flexible pension plan carried out as of (*insert the date of coming into force of this Regulation*).

**32.** A flexible pension plan is exempted, for every application for registration filed after (*insert the date that occurs before the date of coming into force of this Regulation*), from payment of the $1000 fee provided for in paragraph 4 of section 13 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

**33.** Every member-funded pension plan must be subject to an actuarial valuation as at 31 December 2024.

**34.** Every statement produced before (*insert the date that occurs one year after the date of coming into force of this Regulation*) may be established in accordance with the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7) in force on (*insert the date that occurs before the date of coming into force of this Regulation*).

Despite the foregoing, every statement related to the withdrawal of an employer party to a member-funded pension plan or the termination of such a plan that is produced after the date on which the report related to the actuarial valuation referred to in section 33 is sent to Retraite Québec must be established in accordance with the provisions of the Regulation as amended by this Regulation.

**35.** The plan's degree of solvency established before (*insert the date of coming into force of this Regulation*) for the purposes of payment referred to in section 83 pursuant to section 84, as the provisions read on that date, based on the date on which the pension committee received the application to exercise the rights referred to in section 38 may be used for payment purposes.

**36.** Subdivision 13 of Division X, enacted by section 27 of this Regulation, does not apply to member-funded pension plans for the purpose of liquidating benefits where the notice referred to in section 200 or 204 of the Act was sent before the actuarial valuation referred to in section 33 was sent to Retraite Québec. The provisions, in force on (*insert the date that occurs before the date of coming into force of this Regulation*), apply for the purpose of liquidating the benefits of members and beneficiaries affected by the withdrawal of an employer or the termination of the plan.

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

106728

## Draft Regulation

Act respecting health and social services information (chapter R-22.1)

**Rules regarding the governance of health and social services information**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the governance of health and social services information, appearing below, may be made by the Minister of Health on the expiry of 45 days following this publication.

The draft Regulation sets out the rules that would govern the health and social services information held by health and social services bodies. In that regard, the draft Regulation provides for responsibilities that would be incumbent on those bodies, terms for keeping and destroying information, and rules for the maintenance and evaluation of technological products or services.

Further information on the draft Regulation may be obtained by contacting Pier Tremblay, Direction de la gouvernance des données, Ministère de la Santé et des Services sociaux, 930, chemin Sainte-Foy, 4e étage, Québec (Québec) G1S 2L4; email: pier.tremblay@msss.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 Health, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1; email: ministre@msss.gouv.qc.ca.

CHRISTIAN DUBÉ
*Minister of Health*

## Regulation respecting the governance of health and social services information

Act respecting health and social services information (chapter R-22.1, s. 90, 1st par., 2nd par., subpars. 1, 2 and 4)

**CHAPTER I**
RESPONSIBILITIES OF BODIES

**1.** A body must ensure that the members of its personnel and the professionals practising their profession within the body, including students and trainees, receive training regarding the protection of information recognized by the Minister as soon as they begin working or practising their profession within the body.

**2.** A body must see to it that the members of its personnel and the professionals practising their profession within the body, including students and trainees, undergo refresher training regarding the protection of information on an annual basis.

The refresher training concerns, in particular,

(1) the roles and responsibilities of the members of the body's personnel and of the professionals practising their profession within the body, including students and trainees, with regard to the information held by the body;

(2) the rules and terms for keeping, destroying and anonymizing information;

(3) the security measures for ensuring the protection of information put in place by the body, in particular to minimize the risk of a confidentiality incident;

(4) the procedure for processing confidentiality incidents; and

(5) the safe use of the body's technological products or services.

**3.** A body must keep proof of any consent it receives in accordance with section 6 of the Act respecting health and social services information (chapter R-22.1).

**4.** A body must identify, from among the members of its personnel and the professionals practising their profession within the body, a person in charge of communicating with the person who makes a notice of restriction under section 3 of the Regulation respecting the application of certain provisions of the Act respecting health and social services information, published as a draft in Part 2 of the *Gazette officielle du Québec* of 21 February 2024, in order to adequately inform the person, in clear and simple language, of the potential consequences and risks associated with exercising the right of restriction.

**5.** A body must take the necessary measures to ensure that the information it holds remains usable despite any incident affecting the medium on which it is stored.

**6.** At least once a year, a body must

(1) analyze the relevance of the categories of persons identified in the body's information governance policy adopted under section 105 of the Act respecting health and social services information (chapter R-22.1) and, where applicable, review those categories; and

(2) assess the compliance of the logging mechanisms and the effectiveness of the security measures put in place to ensure the protection of the information that the body holds and, where applicable, review those mechanisms and measures.

**7.** A body must, on a monthly basis, analyze accesses to the information it holds and all other uses and communications of that information, in particular to detect situations that do not comply with applicable standards and, where applicable, to take the appropriate measures.

Despite the first paragraph, a body referred to in Schedule II to the Act respecting health and social services information (chapter R-22.1) has an obligation to conduct such an analysis at least once a year.

**8.** A body, other than a body referred to in Schedule II to the Act respecting health and social services information (chapter R-22.1), must set up a committee on the governance of information responsible for supporting the person exercising the highest authority within the body in the exercise of the person's responsibilities under the Act respecting health and social services information.

The committee is under the responsibility of the person exercising the highest authority within the body. The committee is composed of the person in charge of the protection of information, the person designated under section 16 of this Regulation, and any other person whose expertise is required, including, where applicable, the person responsible for document management.

**9.** A body must ensure that records containing information it holds are kept in a manner that ensures their integrity.

In addition, information entered or recorded on the same medium must be entered or recorded in a uniform manner so as to facilitate its use or communication.

**CHAPTER II**
TERMS FOR KEEPING AND DESTROYING INFORMATION

**10.** A body must keep the information it holds in a manner that ensures its protection at all times, in particular by taking the necessary measures to control access to the premises where the information is kept.

**11.** A body must ensure that the information it holds that is subject to a restriction of access under section 7 of the Act respecting health and social services information (chapter R-22.1) or a refusal of access under section 8 of the Act is kept in a manner that complies with that restriction or refusal.

**12.** The destruction of any information held by a body must be done in a secure manner adapted to the sensitivity of the information and the medium on which it is stored, in keeping with generally accepted best practices. The destruction must be irreversible to prevent the reconstitution of the information.

**13.** Where the destruction of information held by a body is entrusted to a third person, the body must enter into a contract in writing with the third person for that purpose.

In addition to the elements referred to in the second paragraph of section 77 of the Act respecting health and social services information (chapter R-22.1), the contract must set out

(1) the procedure for the destruction of the information;

(2) where applicable, the third person's obligation to render an account to the body of the destruction of the information; and

(3) the obligation, for a third person that retains a person or group to perform the contract, to notify the body and ensure that the person or group complies with the other obligations incumbent on the third person under the contract.

For the purposes of subparagraph 3 of the second paragraph, the confidentiality agreement provided for in subparagraph *a* of subparagraph 3 of the second paragraph of

section 77 of the Act respecting health and social services information (chapter R-22.1) and the notice provided for in subparagraph *c* of that subparagraph must be sent to the third person by the person or group.

**14.** A body must keep proof of any destruction of information.

**CHAPTER III**
MAINTENANCE AND EVALUATION OF TECHNOLOGICAL PRODUCTS OR SERVICES

**15.** A body must take the necessary measures to avoid or mitigate any potential impact on the exercise of its functions or the carrying on of its activities due to the fact that a technological product it uses no longer complies with its intended use or a technological service it uses is no longer provided.

To that end, the body must, in particular, keep a calendar of the known or expected dates on which such products or services are to be terminated for the purpose of analyzing, in a timely manner, the relevance of maintaining or replacing them.

**16.** A body must designate, from among the members of its personnel and the professionals practising their profession within the body, a person in charge of ensuring the application of the standards applicable to the technological products or services the body uses, in particular the special rules defined by the network information officer under section 97 of the Act respecting health and social services information (chapter R-22.1).

That person is also in charge of supervising the implementation and maintenance of the security measures for ensuring the protection of the information contained in those products or services.

**17.** At least once every other year, a body must ensure that the products or services it uses undergo an evaluation pertaining to the standards referred to in the first paragraph of section 16 of this Regulation.

However, such an evaluation must be conducted every time a special rule referred to in that paragraph and pertaining to such a product or service is modified.

**CHAPTER IV**
FINAL

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

106729

## Draft Regulation

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

Act to increase the supply of primary care services and to improve the management of that supply (SQ 2022, chapter 16)

**Health services and social services that may be provided and activities that may be conducted from a distance**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance, appearing below, may be made by the Minister of Health on the expiry of 45 days following this publication.

The draft Regulation determines the conditions under which health services and social services provided by health and social services institutions, as well as insured services within the meaning of the Health Insurance Act (chapter A-29) provided by professionals working or practising in specialized medical centres and private health facilities, may be provided from a distance. It does the same with regard to activities organized by health and social services institutions.

The draft Regulation regulates the provision from a distance of health services and social services, in particular to ensure the quality of those services for the benefit of the patients concerned. It imposes additional obligations on health and social services institutions, as well as on health professionals working or practising in specialized medical centres and private health facilities who offer insured services within the meaning of the Health Insurance Act.

Further information on the draft Regulation may be obtained by contacting Elizabeth Arpin, Assistant Director General, Direction générale adjointe des services hospitaliers, du médicament et de la pertinence clinique, Ministère de la Santé et des Services sociaux, 2021, avenue Union, Montréal (Québec) H3A 2S9; telephone: 514 831-6665; email: elizabeth.arpin@msss.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 Health, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1.

CHRISTIAN DUBÉ
*Minister of Health*

## Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance

Act respecting health services and social services
(chapter S-4.2, s. 453.2)

Act to increase the supply of primary care services and to improve the management of that supply
(2022, chapter 16)

**1.** A health service or a social service provided by an institution, as well as a service insured under the plan instituted by the Health Insurance Act (chapter A-29) provided by a health professional, within the meaning of the Act, practising in a specialized medical centre referred to in subparagraph 1 of the first paragraph of section 333.3 of the Act respecting health services and social services (chapter S-4.2) or in a private health facility may be provided from a distance only if the following conditions are met:

(1) the person receiving the service has consented to the service being provided from a distance;

(2) the service does not require the person providing the service and the person receiving it to be present in person with one another, namely because it involves an examination or support that cannot be provided from a distance;

(3) a contingency plan has been developed in case of problems with the technologies used to provide the service;

(4) an in-person follow-up can be offered to the service user.

An activity organized by an institution can also be conducted form a distance. The conditions provided for in subparagraphs 1 to 3 of the first paragraph apply, with the necessary modifications.

**2.** Before requesting the consent required under subparagraph 1 of the first paragraph of section 1 from the person concerned, the person must be informed of the following:

(1) the inherent limits of providing services or participating in an activity from a distance;

(2) the means that can be used to communicate and their potential risks with regard to the confidentiality of personal information;

(3) if applicable,

(*a*) the place where the person can obtain in-person follow-up;

(*b*) the fact that communications are recorded.

**3.** Despite subparagraph 1 of the first paragraph of section 1, consent is not required if the life of the person is in danger or the person's integrity is threatened and the person's consent cannot be obtained in due time.

**4.** The contingency plan referred to in subparagraph 3 of the first paragraph of section 1 may be a joint plan for all professionals practising in the same place of practice or in any place of practice operated by the same person or partnership.

**5.** The in-person follow-up referred to in subparagraph 4 of the first paragraph of section 1 in the case of a service provided by a health professional, within the meaning of the Health Insurance Act, practising in a specialized medical centre or a private health facility, must be provided by one of the following professionals:

(1) the professional concerned;

(2) other professionals practising in the same place of practice as the professional concerned;

(3) a professional practising in a place of practice whose operator has agreed, by agreement, to the implementation of a service corridor with the professional concerned, allowing in-person follow-up.

**6.** In addition to the conditions provided for in section 1, where a service provided from a distance requires the establishment of a therapeutic relationship between a professional and the person receiving the service involving long-term follow-up of all aspects of the person's health, the professional must plan a subsequent in-person follow-up visit with the person.

**7.** For the purposes of the Act respecting health services and social services, and for the purposes of the user's record or the record kept by a professional, as the case may be, the services provided from a distance are deemed to have been provided in the place of practice of the professional who provided the service or in whose support the service was provided. In the case of professionals having more than one place of practice, the services are deemed to have been provided in the place where they would have been provided in person.

For the same purposes, activities conducted from a distance are deemed to have been conducted in the facility where they would have been conducted in person.

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

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