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## Part 2

# LAWS AND REGULATIONS

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17 April 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:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

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## Coming into force of Acts

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Gouvernement du Québec

**O.C. 709-2024, 3 April 2024**

**Act to amend the Act respecting prescription drug insurance and other legislative provisions**  
**—Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting prescription drug insurance and other legislative provisions

WHEREAS section 49 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, chapter 40) provides in particular that the provisions of the Act come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to set 1 May 2024 as the date of coming into force of section 23 of the Act, insofar as it enacts section 60.4 of the Act respecting prescription drug insurance (chapter A-29.01);

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

THAT 1 May 2024 be set as the date of coming into force of section 23 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, chapter 40), insofar as it enacts section 60.4 of the Act respecting prescription drug insurance (chapter A-29.01).

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

106789



## Regulations and other Acts

Gouvernement du Québec

### O.C. 694-2024, 3 April 2024

Revocation of certain orders in council relating to the requirement for prior authorization provided for under the Act respecting contracting by public bodies for certain contracts and subcontracts of Ville de Montréal involving an expenditure equal to or above the amount determined by the Government

WHEREAS, by Order in Council 1049-2013 dated 23 October 2013, the Government has determined that Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1) applies to contracts for the construction, reconstruction, demolition, repair or renovation of roads, waterworks and sewer services of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and whose tendering or awarding process begins as of the date of coming into force of this Order in Council, as well as to subcontracts of the same nature directly or indirectly related to such contracts and involving an expenditure equal to or greater than \$25,000;

WHEREAS, by Order in Council 795-2014 dated 10 September 2014, the Government has determined that Chapter V.2 of the Act respecting contracting by public bodies applies to certain supply contracts and service contracts of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and to various subcontracts of the same nature involving an expenditure equal to or greater than \$25,000, which are provided for in the first paragraph of the operative part of that Order in Council;

WHEREAS, since the coming into force of those Orders in Council, the Act respecting the inspector general of Ville de Montréal (2014, chapter 3) and the Act mainly to recognize that municipalities are local governments and to increase their autonomy and powers (2017, chapter 13) have come into force, which Acts provide, among other things, for mechanisms to oversee and govern contracting processes and the carrying out of contracts by Ville de Montréal;

WHEREAS it is expedient to revoke Order in Council 1049-2013 dated 23 October 2013 and Order in Council 795-2014 dated 10 September 2014;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor and the Minister of Municipal Affairs:

THAT Order in Council 1049-2013 dated 23 October 2013 concerning the application of Chapter V.2 of the Act respecting contracting by public bodies to contracts for the construction, reconstruction, demolition, repair or renovation of roads, waterworks and sewer services of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and to subcontracts of the same nature directly or indirectly related to such contracts and involving an expenditure equal to or greater than \$25,000 be revoked;

THAT Order in Council 795-2014 dated 10 September 2014 concerning certain supply contracts and service contracts of Ville de Montréal involving an expenditure equal to or greater than \$100,000 and various subcontracts of the same nature involving an expenditure equal to or greater than \$25,000 be revoked.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

106785

Gouvernement du Québec

### O.C. 699-2024, 3 April 2024

#### Financial assistance for education expenses — Amendment

Act respecting financial assistance for education expenses  
(chapter A-13.3)

Regulation to amend the Regulation respecting financial assistance for education expenses

WHEREAS, under subparagraphs 1, 2, 2.1, 6, 7 and 19 of the first paragraph of section 57 of the Act respecting financial assistance for education expenses (chapter A-13.3), the Government may, by regulation, on the recommendation of the Minister of Higher Education and after consultation with the Minister of Education for matters related to a level of education under the latter's jurisdiction, and for each financial assistance program, unless otherwise indicated,

— for the purpose of computing the amount of financial assistance which may be paid under a loans and bursaries program, determine the conditions and rules for establishing the contribution of the student and that of the student's parents, sponsor or spouse;

—for the purpose of establishing the contributions mentioned in subparagraph 1 of that section, define the student’s income and the income of the student’s parents, sponsor or spouse, determine the conditions of reduction and exemption which are applicable and prescribe the methods of computing these elements;

—determine, for the loans and bursaries program, the situations in which a student is deemed to pursue studies on a full-time basis;

—determine what constitutes a major functional deficiency;

—for the purpose of computing the amount of financial assistance which may be paid, establish the list of allowable expenses and determine, according to the classification of the educational institution attended, the maximum amounts allocated;

—for the purposes of sections 13 and 15 of the Act, determine the cases where a student is deemed to be enrolled;

WHEREAS, under the second paragraph of section 57 of the Act, the provisions of the regulations made under subparagraphs 1, 2, 7, 7.2 and 21 may vary, in particular,

—according to the situation of the student prior to the period covered by the application for financial assistance, as well as the situation of the student or the student’s spouse, parents or sponsor during that period;

—according to the number of months during which the student is pursuing studies or is employed, the studies pursued and the place of residence of the student and, where applicable, that of the student’s parents or sponsor, and depending on whether the student suffers from a major functional deficiency;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting financial assistance for education expenses was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2023, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 57 of the Act respecting financial assistance for education expenses, the Minister of Education was consulted on the draft Regulation;

WHEREAS, in accordance with the first paragraph of section 90 of the Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science

et de la Technologie (chapter M-15.1.0.1), the draft Regulation was submitted to the advisory committee on the financial accessibility of education for its advice;

WHEREAS it is expedient to make this Regulation without amendments;

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

THAT the Regulation to amend the Regulation respecting financial assistance for education expenses, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting financial assistance for education expenses

Act respecting financial assistance for education expenses  
(chapter A-13.3, s. 57, 1st par., subpars. 1, 2, 2.1, 6, 7 and 19, and 2nd par.)

**1.** The Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended in section 22 by replacing “has a major functional deficiency within the meaning of section 47” in the third paragraph by “is deemed to be pursuing full-time studies because of a major functional deficiency within the meaning of section 47 or another deficiency, attested to in a medical certificate.”.

**2.** Section 27 is amended by replacing paragraph 6 by the following:

“(6) cannot pursue full-time studies for more than one month due to episodic disorders resulting from a deficiency other than a major functional deficiency within the meaning of section 47, attested to in a medical certificate.”.

**3.** Section 38 is amended by replacing “and for each child aged 12 to 17 having a major functional deficiency within the meaning of section 47” at the end of the first paragraph by “and for each child aged 12 to 17 in respect of whom is paid a supplement for handicapped children within the meaning of the Taxation Act (chapter I-3)”.

**4.** Section 46 is amended

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



“(5) cannot pursue full-time studies for more than one month due to episodic disorders resulting from a deficiency other than a major functional deficiency within the meaning of section 47, attested to in a medical certificate.”;

(2) by replacing “the child has a major functional deficiency within the meaning of section 47 or a mental disorder attested to in a medical certificate” in the second paragraph by “a supplement for handicapped children is paid in respect of the child under the Taxation Act (chapter I-3)”.

**5.** Section 47 is replaced by the following:

“47. Any deficiency that results in significant and persistent disability despite the means used to palliate it and that causes the student to encounter serious obstacles in pursuing full-time studies and in potentially entering the labour market is a major functional deficiency.”.

**6.** Section 48 is amended by replacing the second paragraph by the following:

“The evaluation of the disabilities and obstacles related to the deficiency must be made by a professional within the meaning of the Professional Code (chapter C-26) having the skills required for performing such an evaluation.

The evaluation must take into consideration the means used to palliate the disability or to mitigate its effects, as well as the medication, therapy and any other element used to correct or diminish the disability.”

**7.** Section 87 is amended by replacing subparagraph 2 of the first paragraph by the following:

“(2) the child is under 12 years of age or, if aged 12 to 17, a supplement for handicapped children is paid in respect of the child under the Taxation Act (chapter I-3).”.

**8.** The medical certificate attesting to a major functional deficiency within the meaning of section 47 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1), as it reads on 1 May 2024, is deemed to meet the requirements of section 48 of the Regulation if the major functional deficiency attested to in the certificate was recognized by the Minister for the purposes of an application for financial assistance that was granted for a year of allocation prior to 2024-2025.

**9.** This Regulation applies as of the 2024-2025 year of allocation.

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

Gouvernement du Québec

**O.C. 704-2024, 3 April 2024**

Code of Civil Procedure  
(chapter C-25.01)

Code of Penal Procedure  
(chapter C-25.1)

Act respecting payment of certain witnesses  
(chapter P-2.1)

**Indemnities and allowances payable to witnesses  
summoned before courts of justice  
— Amendment**

Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice

WHEREAS, under article 273 of the Code of Civil Procedure (chapter C-25.01), a party that calls a witness, other than another party, sends with the subpoena an advance, covering the first day of attendance at court, on the loss of time indemnity and the travel, meal and overnight accommodation allowances prescribed by government regulation;

WHEREAS, under paragraph 7 of article 367 of the Code of Penal Procedure (chapter C-25.1), the Government may, by regulation, fix the allowances payable to witnesses;

WHEREAS, under paragraph 1 of section 2 of the Act respecting payment of certain witnesses (chapter P-2.1), the Government determines by regulation, for each district, the allowance which each prosecution witness must receive, according to such special circumstances as it may deem it should take into account;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice was published in Part 2 of the *Gazette officielle du Québec* of 22 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 amendments;

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

THAT the Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice

Code of Civil Procedure  
(chapter C-25.01, s. 273)

Code of Penal Procedure  
(chapter C-25.1, s. 367, par. 7)

Act respecting payment of certain witnesses  
(chapter P-2.1, s. 2, par.1)

**1.** The Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25.01, r. 0.5) is amended in section 2

(1) in paragraph 1

(a) by replacing “per necessary day of absence from his home” by “per day”;

(b) by replacing “the necessary leave of absence from his home” by “the loss of time of the witness”;

(2) in paragraph 2

(a) by replacing “per necessary day of absence from his home” by “per day”;

(b) by replacing “absence from his home” by “the witness’s loss of time”;

(3) by replacing “necessary day of absence from their home” in the second subparagraph of paragraph 2 by “day of absence”.

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

### “2.1. Calculation of the loss of time:

(1) The loss of time of a witness who appears remotely from his or her home or place of work is calculated from the time the witness is called to attend at court to the time the witness receives permission to leave.

(2) The loss of time of a witness who appears in person at a hearing or of a witness who appears remotely from a place other than his or her home or place of work is calculated from the time the witness leaves his or her home to the time the witness returns to his or her home.

(3) The loss of time of a witness who appears remotely may not exceed the loss of time the witness would have incurred if he or she had appeared in person at the hearing.”.

**3.** Section 3 is amended

(1) by replacing “(C.T. 202754, 2005-08-30)” by “(C.T. 227502, 2022-12-13) and its subsequent amendments”;

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

“In the case of a witness who appears remotely from a place other than his or her home or place of work, allowances are calculated on the basis of a trip of a distance not greater than that between the home of the witness and the courthouse to which the witness would have been summoned if he or she had appeared in person at the hearing.”.

**4.** Section 4 is replaced by the following:

“4. A witness who appears remotely from his or her home or place of work receives no allowance.”.

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

106788

## M.O., 2024

### Order 2024-08 of the Minister of Transport and Sustainable Mobility dated 19 February 2024

Highway Safety Code  
(chapter C-24.2)

Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise

THE MINISTER OF TRANSPORT AND SUSTAINABLE MOBILITY,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de

l'assurance automobile du Québec, the Minister of Transport and Sustainable Mobility may, by order, authorize the implementation of pilot projects to study, test or innovate in respect of any matter relevant to the Code, that, for the purposes of road safety, the Minister may in particular develop new rules on traffic or vehicle use, that the Minister sets the rules and conditions for the implementation of a pilot project, that the Minister may also, as part of a pilot project, authorize any person or body to use a vehicle in compliance with the standards and rules prescribed by the Minister and that the provisions of a pilot project prevail over any inconsistent provision of the Code and its regulations;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides that pilot projects are conducted for a period of up to three years, or five years when they relate to autonomous vehicles, which the Minister may extend by up to two years if the Minister considers it necessary, that the Minister may modify or terminate a pilot project at any time, that the Minister may also determine the provisions of an order made under section 633.1 the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000;

CONSIDERING the fifth paragraph of section 633.1 of the Code, which 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 633.1 of the Highway Safety Code, and that an order under the second or third paragraph of section 633.1 is published in the *Gazette officielle du Québec*;

CONSIDERING that, under subparagraph 1 of the first paragraph of section 519.21.3 of the Highway Safety Code, the operator of a heavy vehicle within the meaning of section 2 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) shall ensure in particular that each heavy vehicle under the operator's responsibility is equipped with an electronic logging device that meets the requirements prescribed by regulation;

CONSIDERING that the second paragraph of section 519.10 of the Highway Safety Code provides that the information that must be recorded by the driver of a heavy vehicle, in particular hours of driving and hours of rest, must be recorded using an electronic logging device that meets the requirements prescribed by regulation;

CONSIDERING that, under the first paragraph of section 30.1 of the Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28), the operator of a heavy vehicle shall require the driver of

the vehicle to record all the information associated with the records of duty status using an electronic logging device, in accordance with the Technical Standard, and that the driver is required to comply with that requirement;

CONSIDERING that the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise may, during the course of the same day, drive the vehicles of one or more different operators, each of which must be equipped with a separate electronic logging device, and that the information recorded by the driver, on each of those devices, cannot be shared from one operator to the next, which obligates the driver to record the same information in more than one device;

CONSIDERING that, subject to certain conditions for the purpose of ensuring highway security, the hours of driving and rest may be recorded otherwise than with the use of an electronic logging device;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted regarding the implementation of the Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise;

CONSIDERING that it is expedient to authorize the implementation of the Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise;

ORDERS AS FOLLOWS:

## CHAPTER I GENERAL

1. The implementation of the Pilot project concerning the recording of hours of driving and rest by the driver of a heavy vehicle that carries goods or persons in the ordinary course of business of a film or television production enterprise is hereby authorized for the following purposes:

(1) test the conditions according to which hours of driving and rest can be recorded otherwise than with an electronic logging device, where a heavy vehicle carries goods or persons in the ordinary course of business of a film or television production enterprise;

(2) gather information on the operating context of film or television production enterprises to ascertain and understand their operational reality;

(3) collect information in respect of that testing to evaluate the impact on highway safety and the opportunity to establish special standards for the recording of hours of driving and rest in the context of this type of transportation.

2. The administration and evaluation of the pilot project are entrusted to the Société de l'assurance automobile du Québec.

3. For the purposes of the pilot project, “operator” means a natural or legal person, or the representative thereof, who operates a film or television production enterprise.

## CHAPTER II PREREQUISITES

4. Prior to participating in the pilot project, the operator of a heavy vehicle must notify the Société in writing of its participation and identify the heavy vehicles that will be operated as part of the pilot project by indicating in particular the registration plate number of those vehicles to the Société.

The Société will transmit to the operator, as an acknowledgement of receipt, a document containing the information provided in accordance with the first paragraph, hereinafter called the “document relating to the pilot project”.

## CHAPTER III CONDITIONS APPLICABLE FOR THE PURPOSES OF THE PILOT PROJECT

### SECTION I CONDITIONS APPLICABLE TO THE OPERATOR

5. For the purposes of the pilot project, subparagraph 1 of the first paragraph of section 519.21.3 of the Highway Safety Code (chapter C-24.2) and sections 28.1 and 30.1 of the Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28) do not apply to the operator of a heavy vehicle where that vehicle carries goods or persons in the ordinary course of business of a film or television production enterprise.

That operator must however

(1) keep the Société informed of any changes to the information transmitted pursuant to section 4 regarding the heavy vehicles operated as part of the pilot project;

(2) maintain a safety rating of “satisfactory” in the Register of owners and operators of heavy vehicles established at the Commission des transports du Québec under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);

(3) place in each heavy vehicle under its responsibility a copy of the document relating to the pilot project, ensure that the driver keeps the copy in the vehicle and not allow a heavy vehicle to be driven if the copy is not kept in the vehicle;

(4) keep at its establishment, within the meaning of the Regulation respecting the hours of driving and rest of heavy vehicle drivers, a copy of the document relating to the pilot project and, in respect of that copy, comply with the second paragraph of section 519.25 of the Highway Safety Code;

(5) monitor the compliance of each driver with the requirements of the pilot project and, if the operator considers that the requirements are not complied with, take measures without delay to correct the situation and document the intervention;

(6) conduct a periodic analysis of accident reports involving the heavy vehicles being operated and, in the case of an accident involving a vehicle driven as part of the pilot project, evaluate whether the accident arose from non-compliance with the restrictions relating to the hours of driving and rest provided for in the Highway Safety Code or the Regulation respecting the hours of driving and rest of heavy vehicle drivers, or from non-compliance with the requirements provided for in the pilot project and, in such a case, take measures without delay to correct the situation and document the intervention;

(7) transmit to the Société, each year and at the end of the operator’s participation in the pilot project, a report containing

(a) a summary of the analysis and, if applicable, the evaluation provided for in subparagraph 6; and

(b) an overview of the manner in which the operator’s activities were conducted in the context of the pilot project, in particular the means taken to ensure compliance with the requirements of the pilot project;

(8) respond to surveys or requests for information by the Société concerning the progression of the pilot project;

(9) notify the Société if the operator wants to terminate participation in the pilot project.

## SECTION II CONDITIONS APPLICABLE TO THE DRIVER

6. For the purposes of the pilot project, the second paragraph of section 519.10 of the Highway Safety Code (chapter C-24.2) and section 30.1 of the Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28) do not apply to the driver of a heavy vehicle of an operator by which the driver is employed where that vehicle carries goods or persons in the ordinary course of business of a film or television production enterprise.

That driver must however

(1) keep in that heavy vehicle a copy of the document relating to the pilot project and remit the copy to a peace officer for examination when so requested, which copy must be remitted to the driver after examination;

(2) record hours of driving and rest in accordance with the second and third paragraphs of section 31 and section 32 of the Regulation respecting the hours of driving and rest of heavy vehicle drivers.

## CHAPTER IV PENALTIES

7. Every operator who contravenes any of subparagraphs 1 and 3 to 5 of the second paragraph of section 5 is liable to a fine of \$200 to \$300.

8. Every driver who contravenes subparagraph 1 of the second paragraph of section 6 is liable to a fine of \$200 to \$300.

9. The operator can no longer participate in the pilot project if

(1) the operator fails to comply with one of the requirements provided for in subparagraphs 2, 7 and 8 of the second paragraph of section 5; or

(2) the health and safety of the public, of the driver of a heavy vehicle under the responsibility of the operator or of the operator's employees are jeopardized.

The Société will transmit a notice to that effect to the operator, who must so inform without delay every driver who is likely to drive a heavy vehicle that is under the responsibility of the operator and carries goods or persons in the ordinary course of business of a film or television production enterprise.

## CHAPTER V FINAL

10. This Ministerial Order comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It is revoked as of the third anniversary of the date of its coming into force.

Québec, 19 February 2024

GENEVIÈVE GUILBAULT  
*Minister of Transport and Sustainable Mobility*

106783



## Draft Regulations

### Draft Regulation

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

#### Period of 2024-2025 upper limit of kill for moose

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation respecting the period of 2024-2025 upper limit of kill for moose, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation gives effect to the 8 December 2023 decision of the Hunting, Fishing and Trapping Coordinating Committee establishing the upper limit of kill for moose allocated to the Native people and non-Natives in Area 17. The draft Regulation limits to not more than 104 the number of moose that may be harvested in that area for the period from 1 July 2024 to 31 July 2025.

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

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

BENOIT CHARETTE

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

### Regulation respecting the period of 2024-2025 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 2024 to 30 June 2025.

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

106787

### Draft Regulation

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

#### Commission d'accès à l'information — Procedure for selecting persons qualified for appointment as members

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 procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information, the text of which appears below, may be made by the Office of the National Assembly on the expiry of 45 days following publication of this notice.

The purpose of the amended Regulation, as provided for in section 104.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), is to establish a procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information.

The draft Regulation proposes special rules for the composition of the selection committee in the case of a selection procedure to fill the position of chair of the Commission d'accès à l'information.



To date, the examination of the draft Regulation reveals that it has no significant impact on businesses or the public.

Further information on the draft Regulation may be obtained by contacting Christina Turcot, Director of General Secretariat and Office Secretariat, Assemblée nationale du Québec, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 2<sup>e</sup> étage, bureau 2.55, Québec (Québec) G1A 1A3; tel.: 418 643-2724; email: sec.general@assnat.qc.ca.

Any interested person wishing to comment on the Regulation is requested to submit written comments, before the expiry of the above-mentioned 45-day period, to Siegfried Peters, Secretary General of the National Assembly, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 2<sup>e</sup> étage, bureau 2.50, Québec (Québec) G1A 1A3.

NATHALIE ROY

*President of the National Assembly*

## **Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information**

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, section 104.1)

**1.** Section 4 of the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information, adopted by Decision 1384 dated 25 October 2007, is amended by adding the following paragraph at the end:

“However, when the position to be filled is that of chair of the Commission and the recruitment notice invites interested persons to submit their candidacy for that position, the President of the National Assembly, after consulting the Secretary General of the National Assembly, appoints a third person with pertinent experience in the field of access to documents held by public bodies or the protection of personal information, as a replacement for the chair of the Commission or another of its members. That person chairs the committee.”

**2.** This regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*.

106791

## **Draft Regulation**

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

### **Regulation**

#### **— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation under the Act respecting the Québec correctional system, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1) mainly to reinforce security at correctional facilities administered by the Minister of Public Security. For that purpose, various amendments would be made to the provisions concerning the searches that may be conducted at the facilities. Body scan searches would be added to the types of searches to which inmates and members of the personnel may be subjected. Such body scan searches would be conducted using a device that can detect items hidden on a person. Rules would also be introduced to prevent attempts to avoid a body scan search.

In addition, certain items likely to endanger security at a correctional facility and the safety of the persons present there would be prohibited, mainly to allow the use of administrative segregation where there are reasonable grounds to believe that an inmate is hiding contraband on his or her person.

Lastly, the draft Regulation proposes certain adjustments to the provisions relating to the right to the review of a decision made by a discipline committee, in keeping with amendments made to the Act respecting the Québec correctional system (chapter S-40.1) by the Act to amend various provisions relating to public security and to enact the Act to assist in locating missing persons (2023, chapter 20).

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

Further information on the draft Regulation may be obtained by contacting Isabelle Mailloux, Director General of Security, Sous-ministériat des services correctionnels, Ministère de la Sécurité publique, 5199, rue Sherbrooke Est, Montréal (Québec) H1T 3X1, bureau 2931; email: isabelle.mailloux@misp.gouv.qc.ca.



Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Amélie Marcheterre, Director General, Direction générale aux programmes, au conseil et à l'administration, Sous-ministériat des services correctionnels, Ministère de la Sécurité publique, 2525, boulevard Laurier, 11<sup>e</sup> étage, Tour du Saint-Laurent, Québec (Québec) G1V 2L2; email: amelie.marcheterre@msp.gouv.qc.ca.

FRANÇOIS BONNARDEL  
*Minister of Public Security*

## Regulation to amend the Regulation under the Act respecting the Québec correctional system

Act respecting the Québec correctional system (chapter S-40.1, s. 193, 1st par., subpars. 1, 3, and 5 to 8)

**1.** The Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1) is amended in section 2 of the French text by replacing “interdits” in paragraphs 4 and 5 by “prohibés”.

**2.** Section 4 is amended

(1) by inserting “other” before “items”;

(2) by replacing “property” wherever it appears by “items”.

**3.** Section 5 is amended

(1) by replacing “property from the outside, the property must be forwarded to the inmate, unless the inmate is not authorized to keep the property in his or her possession, in which case it is returned to the sender or to the person who brought it” in the first paragraph by “items from the outside, the items must be forwarded to the inmate, unless the inmate is not authorized to keep the items in his or her possession, in which case they are returned to the sender or to the person who brought them”;

(2) by replacing “property is” in the second paragraph by “items are”.

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

“**5.1.** The following items are contraband in a correctional facility:

(1) intoxicating substances such as drugs, narcotics, alcohol and non-prescription medicine;

(2) weapons, explosives, bombs and their components, ammunition, as well as any item designed, modified or assembled so as to cause death or injury;

(3) any other item likely to endanger security at the correctional facility or the safety of the persons present there, in particular tobacco, cellular telephones and USB keys, the possession of which has not been authorized.”

**5.** The heading of Chapter II is amended in the French text by striking out “LES”.

**6.** The heading of Division I of Chapter II is replaced by the following:

“SEARCH OF PERSONS”.

**7.** The following is inserted after the heading of Division I of Chapter II:

“§1. *Types of searches and conditions for conducting searches*”.

**8.** The following is inserted after section 19:

“**19.1.** Body scan search means a search conducted using a device that can detect items that could have been hidden on a person, in particular in their hair, clothing or body cavities, or inside a prosthesis.

For the purposes of this Regulation, a body scan search does not constitute an x-ray.”

**9.** Section 20 is amended

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

“Frisk search means a hand search of the clothed body carried out from head to foot, down the front and rear of the body, around and between the legs and thighs, and inside the folds of the clothing, pockets and footwear. If necessary, the person may be requested to lift, lower or open his or her outerwear for a visual inspection.”;

(2) by replacing subparagraph 1 of the fourth paragraph of the French text by the following:

“1° la fouille sommaire d'une personne de sexe féminin doit toujours être effectuée par un agent des services correctionnels de sexe féminin;”

**10.** Section 21 is replaced by the following:

“**21.** A strip search is a contact-free search of the naked body, the open mouth and the insides of the nose and ears, and the visual inspection of all the folds of the

body. If necessary, the person must remove his or her dental prosthesis, hairpiece or other such device, display the soles of his or her feet, run his or her fingers through his or her hair, open hands, spread and lift arms, lift, where applicable, adipose tissue, the breasts, the penis and testicles, and bend and spread the buttocks to allow the visual inspection of the rectum and, where applicable, the vagina. All clothing and effects must also be searched.

The strip search of a female or a male must be conducted by a correctional officer of the same gender.”

**11.** Section 22 is amended by replacing “for a woman an inspection of the rectum and vagina and for a man an inspection of the rectum” by “an inspection of the rectum and, where applicable, the vagina”.

**12.** The Regulation is amended by striking out the following portion before section 24:

“**DIVISION II**  
**SEARCH OF PERSONS AND PREMISES”.**

**13.** Sections 24 and 25 are replaced by the following:

“**24.** The search of a person must be conducted in a manner that respects human dignity and minimizes intrusion.

Searches that may be conducted by a correctional officer may also be carried out by a manager in charge, if necessary.

Personnel members called on to conduct searches must have received the necessary training.”.

**14.** Division III of Chapter II becomes subdivision 2 of Division I of Chapter II and its heading is replaced by the following:

“*Search of inmates*”.

**15.** Section 26 is replaced by the following:

“**26.** A correctional officer may submit an inmate to a non-intrusive search, a frisk search or a body scan search in the following circumstances:

(1) the inmate is entering or leaving an area, workshop, activity room or outdoor yard in the facility;

(2) as part of a search of the inmate’s cell or area conducted pursuant to this Regulation.”.

**16.** Section 27 is amended

(1) by replacing “strip search an inmate” in the portion before paragraph 1 by “submit an inmate to a non-intrusive search, a frisk search, a body scan search or a strip search”;

(2) by replacing paragraph 4 by the following:

“(4) the inmate is leaving an area, workshop, activity room or outdoor yard in the facility where the inmate may have had access to contraband that the inmate could have hidden on his or her person.”;

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

“(6) as part of a search of the inmate’s cell or area conducted pursuant to this Regulation, if the inmate may have had access to contraband that the inmate could have hidden on his or her person.”.

**17.** Section 28 is amended in the first paragraph

(1) by replacing “frisk or strip search an inmate” in the portion before paragraph 1 by “submit an inmate to a frisk search, a body scan search or a strip search”;

(2) by replacing “ou interdit” and “objet interdit” in subparagraph 1 of the French text by “ou prohibé” and “objet”, respectively;

(3) by replacing “interdit” in subparagraph 3 of the French text by “prohibé”.

**18.** Section 29 is amended

(1) by replacing “interdit” in the first paragraph of the French text by “prohibé”;

(2) by striking out “interdit” in the second paragraph of the French text;

(3) by striking out the third paragraph.

**19.** Section 30 is amended

(1) by replacing “interdit” in the first paragraph of the French text by “prohibé”;

(2) by striking out “interdit” in the second paragraph of the French text.

**20.** Division IV of Chapter II becomes Chapter II.1 and its heading is amended by adding the following at the end:

“OF INMATES”.

**21.** Section 31 is renumbered 50.1 and replaced by the following:

“**50.1.** A correctional officer may request that the manager in charge confine an inmate in administrative segregation

(1) if the correctional officer has reasonable grounds to believe that the inmate is hiding contraband on his or her person; or

(2) if the inmate refuses, without a justifiable medical reason, to submit to a body scan search in the circumstances provided for in this Regulation.”.

**22.** Sections 32, 33, 34 and 35 are renumbered 50.2, 50.3, 50.4 and 50.5, respectively.

**23.** Section 36 is renumbered 50.6 and is replaced by the following:

“**50.6.** Administrative segregation lasts 72 hours. It may be extended once for a 24-hour period if the manager in charge has reasonable grounds to believe that the inmate has taken medicine to prevent expelling the contraband.

In addition, the manager in charge may impose a new administrative segregation measure on an inmate in the following cases:

(1) if the inmate has again ingested or inserted the contraband;

(2) if a body scan search conducted when the inmate is leaving an administrative segregation cell in accordance with this Regulation gives reasons to believe that the inmate is still hiding contraband on his or her person;

(3) if the inmate refuses, without a justifiable medical reason, to submit to a body scan search conducted when the inmate is leaving an administrative segregation cell in accordance with this Regulation;

(4) if the inmate cannot be submitted to a body scan search for a justifiable medical reason or the device used to conduct a body scan search is not available, if there are still reasonable grounds to believe that the inmate is hiding contraband on his or her person.

In all cases, administrative segregation must end as soon as a body scan search confirms that the inmate is not hiding contraband on his or her person. If the inmate cannot be submitted to a body scan search for a justifiable medical reason or the device used to conduct a body scan search is not available, administrative segregation must end as soon as it is possible to confirm by other means that the inmate is not hiding contraband on his or her person, in particular because the contraband has been expelled.”.

**24.** Division V of Chapter II becomes subdivision 3 of Division I of Chapter II and its heading is replaced by the following:

“*Search of visitors*”.

**25.** Section 37 is amended by striking out the second paragraph.

**26.** Section 38 is amended in the French text by replacing “interdit” by “prohibé”.

**27.** The following is inserted after section 41:

“**41.1.** A person authorized to visit an inmate or a correctional facility under section 57 is considered to be a visitor for the purposes of this subdivision.”.

**28.** Division VI of Chapter II becomes subdivision 4 of Division I of Chapter II and its heading is replaced by the following:

“*Search of personnel members*”.

**29.** Section 42 is amended by replacing “or frisk search” by “, a frisk search or a body scan search”.

**30.** Section 43 is amended

(1) by inserting “body scan search or a” after “personnel member to a”;

(2) by replacing “interdit” in the French text by “prohibé”.

**31.** Division VII of Chapter II becomes Division II of Chapter II and its heading is replaced by the following:

“SEARCHES OF PREMISES AND VEHICLES”.

**32.** Sections 46 and 48 are amended in the French text by replacing “interdits” wherever it appears by “prohibés”.

**33.** The Regulation is amended by striking out the following portion before section 50:

**“DIVISION VIII  
SEARCHES OF AREAS AND VEHICLES”.**

**34.** Section 50 is amended by replacing

- (1) “a correctional officer” by “correctional officers”;
- (2) “interdit” in the French text by “prohibé”;
- (3) “exercise yards” by “outdoor yards”.

**35.** Section 51 is amended

(1) by replacing “interdite ou restreinte” in the first paragraph of the French text by “non autorisée ou prohibée”;

(2) by replacing “or the Police Ethics Commissioner” at the end of the second paragraph by “, the Police Ethics Commissioner or the Public Protector”.

**36.** Section 52 is amended in the French text by replacing “interdite” in subparagraph 1 of the first paragraph by “prohibée”.

**37.** Section 53 is amended in the French text by replacing “interdite ou non autorisée” in subparagraph 1 of the first paragraph by “non autorisée ou prohibée”.

**38.** Section 68 is amended by striking out “, including alcoholic beverages, drugs, narcotics, non-prescription medicine, keys or any other item that may be considered as an offensive weapon such as a piece of glass, metal, wood or plastic” in subparagraph 5 of the second paragraph.

**39.** Section 76 is amended

(1) by striking out “to the facility director” in the first paragraph;

(2) by striking out the second paragraph.

**40.** Sections 78 and 79 are amended by striking out “the facility director or” in the portion before paragraph 1.

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

106790