



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 52

(1996, chapter 50)

**An Act to amend the Agricultural Products,
Marine Products and Food Act and
the Environment Quality Act**

Introduced 22 October 1996
Passage in principle 5 November 1996
Passage 10 December 1996
Assented to 16 December 1996

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EXPLANATORY NOTES

The object of this bill amending the Agricultural Products, Marine Products and Food Act is, chiefly, to render water and ice sold on the market, and ice offered free of charge to the public, subject to that Act rather than to the Environment Quality Act. Bottled water from public water dispensers will also be governed by the Agricultural Products, Marine Products and Food Act.

The bill provides for a new type of permit relating to water bottling and to ice making and packaging and confers on the Government the regulatory powers necessary to properly regulate water and ice, in particular as regards the standards relating to quality and composition.

The bill allows authorized persons to require any information necessary for the carrying out of the Act and amends certain penal provisions of the Act.

In addition, the bill amends the Environment Quality Act to remove the provisions concerning water intended for commercial purposes and to impose the obligation to obtain the authorization of the Minister of the Environment and Wildlife, in the cases determined by regulation, for the tapping of underground water.

Finally, the bill proposes transitional provisions and the amendments necessary to ensure the harmonization of certain provisions of the Agricultural Products, Marine Products and Food Act with those of the Civil Code of Québec.

Bill 52

AN ACT TO AMEND THE AGRICULTURAL PRODUCTS, MARINE PRODUCTS AND FOOD ACT AND THE ENVIRONMENT QUALITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29) is amended

(1) by inserting the words “, intended for human consumption or intended to come into contact with food, with water subject to the Regulation respecting drinking water made under the Environment Quality Act (chapter Q-2) or with any alcoholic beverage within the meaning of the Act respecting the Société des alcools du Québec” after the word “food” at the end of paragraph *b.1* ;

(2) by replacing the words “, a food or ice” after the word “product” in the second line of paragraph *c* by the words “or food” ;

(3) by striking out paragraph *e* ;

(4) by adding, after the first paragraph, the following paragraph :

“For the purposes of this Act, bottled water, water sold by volume, water intended for bottling or sale by volume and water used or intended for use in the preparation or preservation of food, to the extent that such food or such water is intended for human consumption for promotional or commercial purposes, are considered to be food. Ice is also considered to be food.”

2. Section 9 of the said Act, amended by section 3 of chapter 53 of the statutes of 1983 and by section 5 of chapter 80 of the statutes of 1990, is again amended

(1) by replacing the words “or *k*” in the third line of subparagraph *l* of the first paragraph by the words “, *k* or *l.01*” ;

(2) by inserting, after subparagraph *l* of the first paragraph, the following subparagraph :

“(*l.01*) operate a water bottling establishment or an ice making or packaging establishment ;” ;

(3) by replacing the words “or *l*” in the third line of subparagraph *l.1* of the first paragraph by the words “, *l* or *l.01*”.

3. Section 12 of the said Act is amended by replacing the word “transportés” in the first line of the French text by the word “cédés”.

4. Section 17 of the said Act is amended

(1) by replacing the word “resides” in the third line by the words “is domiciled”;

(2) by striking out the word “social” in the third line of the French text.

5. Section 18 of the said Act is amended by striking out the word “social” in the third line of the French text.

6. Section 27 of the said Act is amended by replacing the word “jurisdiction” in the second line of the French text by the word “compétence”.

7. The said Act is amended by inserting, after section 32, the following section :

“32.1. Every authorized person may, in exercising his power of inspection, require of any person subject to this Act or the regulations the documents or information necessary to ascertain that a product is in conformity with the provisions of this Act or the regulations.

The person must furnish the documents or information to the authorized person within such reasonable time as is fixed by the authorized person.”

8. Section 33 of the said Act is amended

(1) by replacing the words “and in premises” in the sixth line by the words “, where ice or a bottled water dispenser is placed at the public’s disposal or”;

(2) by striking out the words “shipment bill,” in the first line of paragraph 5.

9. Section 40 of the said Act is amended

(1) by replacing paragraph *e* by the following paragraphs :

“(e) establish classes, categories, appellations, qualifiers or designations of products and prohibit any unlawful use thereof, require the grading of products and set standards of composition, form, quality and uniformity, and, in the case of spring water and mineral water, render the prescribed standards applicable from the point of collection ;

“(e.01) prescribe rules of hygiene concerning ice and bottled water dispensers placed, free of charge, at the disposal of the public;” ;

(2) by adding, after paragraph *j*, the following paragraph :

“(j.1) prescribe, for any type of water referred to in the second paragraph of section 1, the cases and conditions in or on which a person is required to send to the Minister, before or during the marketing of the water, information, documents, samples, analyses or any other thing necessary to verify the accuracy of the information appearing on the label, container or packaging of the water or on a poster relating thereto;”;

(3) by replacing the words “and “fishery products unfit for human consumption” ” in the fourth line of paragraph *l* by the words “, “fishery products unfit for human consumption”, “water sold by volume”, “spring water”, “mineral water”, “bottled water”, “water bottling establishment”, “ice making or packaging establishment” and “bottled water dispenser” ”.

10. Section 44 of the said Act is amended by replacing the letter “*h*” in the third line by the words “*e, h or j.1*”.

11. The said Act is amended by inserting, after section 44.1, the following section :

“**44.2.** Every person who contravenes the second paragraph of section 32.1 or furnishes erroneous, falsified or misleading information or documents is liable to a fine of \$250 to \$1,000 and, for any subsequent contravention, to a fine of \$750 to \$3,000.”

12. Section 45.1 of the said Act is amended by inserting the letter and figures “, *l.01*” after the letter “*l*” in the fourth line.

13. Section 46 of the said Act is amended

(1) by replacing the word “corporation” in the first line by the words “legal person”;

(2) by replacing the words “officer” and “agent of that corporation” in the seventh and eighth lines by the words “senior officer” and “mandatary of that legal person”, respectively, and by replacing the word “employé” in the ninth line of the French text by the word “salarié”;

(3) by replacing the word “corporation” in the eleventh line by the words “legal person”.

14. Section 55 of the said Act is amended by striking out the words “or way bill” in the third line.

15. Section 56.1 of the said Act is amended

(1) by replacing the words “, constitutes *prima facie* proof of its content” in the second and third lines of paragraph *a* by the words “is proof of its content unless there is evidence to the contrary”;

(2) by replacing the words “, make *prima facie* proof of the observations that are stated in writing therein by such authorized person” in the fourth and fifth lines of paragraph *b* by the words “are proof of their content unless there is evidence to the contrary”;

(3) by replacing the words “without its being necessary to establish the signature of the person by whom the document is presented as having been signed and without its being necessary to establish the official capacity of such person” in the third, fourth and fifth lines of paragraph *c* by the words “and no proof of the signature or of the quality of the person who signed it is required”.

16. Section 46 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

(1) by striking out subparagraph *h* of the first paragraph;

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

“(s) regulate the tapping of underground water according to its different uses, including the collection of underground water the use or distribution of which is governed by the Agricultural Products, Marine Products and Food Act (R.S.Q., chapter P-29). The regulations may, in particular,

(1) subordinate, in the cases determined therein, the tapping of underground water, including water that is in danger of contamination, to the authorization of the Minister which may be subject to any condition the Minister considers necessary;

(2) prescribe standards respecting the volumes of water collected, water quality and the preservation of water quality;

(3) prescribe standards for water collection facilities;

(4) prescribe the keeping of registers, and the preparation of reports and other documents and the communication thereof to the Minister;”;

(3) by striking out the second paragraph.

17. Section 87 of the said Act is amended by striking out paragraph *e*.

18. Until the coming into force of a regulation under subparagraph *s* of the first paragraph of section 46 of the Environment Quality Act, enacted by section 16 of this Act, section 32 of the Environment Quality Act continues to

apply in respect of projects for the collection of spring water or mineral water within the meaning of the Regulation respecting bottled water (R.R.Q., 1981, c. Q-2, r.5).

19. The Regulation respecting bottled water, and section 19 of the Drinking Water Regulation enacted by Order in Council 1158-84 (1984, G.O. 2, p. 1812), made under the Environment Quality Act, continue to apply until the said regulation or the said section is replaced by a regulation under the Agricultural Products, Marine Products and Food Act. The said regulation and the said section are deemed to have been made under section 40 of the Agricultural Products, Marine Products and Food Act.

20. The Government may, by regulation, prescribe any other transitional provision for the purposes of this Act.

21. This Act comes into force on 16 December 1996, except section 2 which comes into force on the date to be fixed by the Government.