

THAT the Regulation to amend the Regulation respecting safety in public buildings, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting safety in public buildings

Public Buildings Safety Act  
(R.S.Q., c. S-3, ss. 3 and 39)

**1.** The Regulation respecting safety in public buildings (R.R.Q., 1981, c. S-3, r. 4), amended by the Regulations made by Orders in Council 2477-82 dated 27 October 1982, 913-84 dated 11 April 1984, 2449-85 dated 27 November 1985, 88-91 dated 23 January 1991, 1441-93 dated 13 October 1993, 466-95 dated 5 April 1995 and 783-97 dated 11 June 1997, is further amended in section 4:

(1) by substituting the following for the heading “Certification and attestation:”:

“Attestation:”; and

(2) by deleting subsections 1, 3 and 4.

**2.** Section 6 is amended:

(1) by substituting “subsection 6 of section 4, subsections 4, 4.1 and 4.2 of section 6” for “subsections 1 and 6 of section 4, subsections 4 and 4.1 of section 6, “in the second paragraph of subsection 1;

(2) by inserting the following after subsection 4.1:

“(4.2) A monastery, a convent or a novitiate, whose owner is an incorporated religious corporation under a special Act of Québec or the Religious Corporation Act (R.S.Q., c. C-71), which constitutes a building or part thereof divided by a firewall within the meaning of the National Building Code of Canada 1990, NRCC English edition, N° 30620, published by the National Research Council of Canada, shall not be considered a public building, provided that the building or part thereof complies with the following conditions:

(a) it is occupied by no more than 30 persons;

(b) it has no more than 3 stories in building height.

(4.3) A monastery, a convent or a novitiate built before 1 December 1976, not excluded within the meaning of subsection 4.2, of which at least 90 % of the

occupants are monks or novices and whose owner is an incorporated religious corporation under a special Act of Québec or the Religious Corporation Act, (R.S.Q., c. C-71), shall conform to the requirements of this Regulation unless the owner shows that this building complies with the provisions of the Building Code 1990 made by Order in Council 1440-93 dated 13 October 1993, concerning:

(a) the closures situated in the firewalls which are provided for in subsection 3.1.8. of the Code;

(b) the fire alarm and detection systems which are provided for in subsection 3.2.4. of the Code;

(c) the exit enclosure and the integrity of exits which are provided for in section 3.4 of the Code.

To that end, the owner shall send to the Régie du bâtiment du Québec an attestation issued by a professional within the meaning of the Professional Code (R.S.Q., c. C-26), specialist on the subject, certifying the compliance with the requirements listed in subparagraphs *a* to *c* of the first paragraph and, subsequently, every 5 years.”.

**3.** 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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Gouvernement du Québec

**O.C. 1495-97, 19 November 1997**

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Breath screening devices

Regulation respecting breath screening devices

WHEREAS under paragraph 7.1 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), introduced by paragraph 1 of section 133 of Chapter 56 of the Statutes of 1996, the Government may, by regulation, prescribe standards for the maintenance and use of a screening device approved by the Minister of Public Security and that is designed to ascertain the presence of alcohol in the blood of a person, and prescribe the training that a person who maintains and uses the device must be given;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1) a proposed regulation may be made without having been published as prescribed in section 8

of the Act, where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of the Act, a regulation may come into force within a shorter period than that prescribed by section 17 of the Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of the Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the absence of prior publication and such coming into force of the Regulation are justified by the urgency due to the following circumstances:

— section 202.4 of the Highway Safety Code (R.S.Q., c. C-24.2), introduced by section 61 of Chapter 56 of the Statutes of 1996 and which comes into force on 1 December 1997, obliges a peace officer to immediately suspend a learner's licence or probationary licence where the sampling carried out under section 202.3 of the Code reveals the presence of alcohol in the body of the licence holder;

— section 202.3 of the Code, introduced by the same section, stipulates that the breath analysis must be made by means of a screening device approved by the Minister of Public Security, which must be maintained and used in accordance with the standards prescribed by regulation, by persons who have received the training prescribed by regulation;

— it is therefore necessary to make the Regulation respecting breath screening devices at once so that section 202.4 of the Code may be applied as soon as it comes into force;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon recommendation of the Minister of Public Security:

THAT the Regulation respecting breath screening devices, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## Regulation respecting breath screening devices

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 619, par. 7.1; 1996, c. 56, s. 133, par. 1)

### DIVISION I

#### STANDARDS FOR MAINTENANCE AND USE

**1.** A breath screening device approved by the Minister of Public Security under section 202.3 of the Highway Safety Code (R.S.Q., c. C-24.2), introduced by section 61 of Chapter 56 of the Statutes of 1996, may not be used until a certificate of use is issued to the police force by the Laboratoire de sciences judiciaires et de médecine légale.

**2.** After the issue of the certificate, a register shall be drawn up for each device referred to in section 1.

The register shall contain

- (1) a description of the device;
- (2) the serial number of the device;
- (3) the name and address of the manufacturer;
- (4) the date of purchase of the device;
- (5) the date of issue of the certificate of use and of any renewals; and
- (6) the information relative to the maintenance and repairs carried out with respect to the device.

All entries on the register shall carry the author's signature.

All documents relating to the device shall accompany the register and be kept by the police force.

**3.** After 15 days of use, the breath screening device shall be calibrated by a peace officer who meets the training standards prescribed in section 7.

A peace officer who observes that a device does not work as stipulated by the manufacturer shall have it calibrated as provided for in the first paragraph.

**4.** Each breath screening device shall be inspected every 12 months by the Laboratoire de sciences judiciaires et de médecine légale which shall renew the certificate of use if the device is in good working condition.

A peace officer who meets the training standards prescribed in section 7 is also authorized to carry out the inspection of the device and to renew the certificate of use.

**5.** A peace officer who calibrates a breath screening device shall enter the date and time of each calibration and its result in a continuous report on its use. The report shall be signed by the peace officer and kept with the device for six months. Subsequently, it shall be transferred to the register referred to in section 2.

## **DIVISION II STANDARDS OF TRAINING**

**6.** A peace officer shall successfully complete the course entitled “Guide de l'utilisateur” given by the Institut de police du Québec for each model of breath screening device he uses.

**7.** To carry out the calibration or inspection of a breath screening device, a peace officer shall

(1) hold a certificate as a qualified breath analysis technician issued by the Attorney General of Québec;

(2) for each model he calibrates, successfully complete the course entitled “Guide de l'utilisateur” given by the Institut de police du Québec; and

(3) successfully complete the course entitled “Technicien à l'étalonnage” given by the Institut de police du Québec.

**8.** This Regulation comes into force on 1 December 1997.

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## **M.O., 1997**

### **Order of the Minister of Public Security dated 11 November 1997 respecting the approval of screening devices for the purposes of section 202.3 of the Highway Safety Code**

Highway Safety Code  
(R.S.Q., c. C-24.2)

The Minister of Public Security,

CONSIDERING section 202.3 of the Highway Safety Code, enacted by section 61 of chapter 56 of the Statutes of 1996, which provides that a peace officer who reasonably suspects the presence of alcohol in the body of a person subject to the prohibition set out in section 202.2 of the Code may order that person to provide forthwith such sample of breath as in the opinion of the peace officer is necessary to enable a proper analysis of the breath to be made by means of a screening device approved by the Minister of Public Security and that is designed to ascertain the presence of alcohol in the blood of a person;

#### **ORDERS:**

**1.** That the following screening devices be approved:

- Alco-Sensor DWF, made by Intoximeter inc.
- Alcotest 7410 GLC, made by Drager
- Intoxilyzer 400D, made by CMI inc;

**2.** That this Order come into force on 1 December 1997.

Sainte-Foy, 11 November 1997

PIERRE BÉLANGER,  
*Minister of Public Security*

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