

Draft Regulations

Draft Regulation

An Act respecting childcare centres and childcare services
(R.S.Q., c. S-4.1; 1997, c. 58)

Childcare centres — Amendments

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting childcare centres, the text of which appears below, may be made by the Government upon the expiry of 20 days following this publication.

This draft Regulation makes various amendments to the classes of age of children, to the ratio between the number of staff members and the number of children of five years of age and over as of 30 September who are received in a childcare centre and to the presence of qualified staff members required to attend the children. It relaxes certain provisions respecting the administration of medication and the laying out of play areas and, in the field of health and safety, provides for a controlled access to the centre and for the labelling of household cleaning products and toxic products and storage of certain products. It also specifies the reasons for suspending or revoking the recognition of a home childcare provider. Finally, the Regulation contains provisions to ensure consistency with the Civil Code of Québec, transitional provisions, provisions to make the text clearer and more understandable, as well as technical amendments.

Under section 12 of the Regulations Act, this draft Regulation may be made at the expiry of a period shorter than the 45-day period applicable under section 11 of that Act by reason of the urgency due to the following circumstances:

— the time granted to permit holders to comply with the obligations regarding the staff's qualifications, the installation of a window to watch the children and of a mechanism for controlling access to the childcare centre will expire on 1 September 1999 and, unless the amendments come into force on that date, permit holders will contravene the Regulation while the proposed amendments are intended to eliminate the obligation in certain cases, to change the requirement or to extend the time allowed to comply;

— the amendments must come into force no later than 1 September 1999 to prevent permit holders from contravening the Regulation between 2 September 1999 and the date of coming into force of those amendments.

Further information may be obtained by contacting Nathalie St-Roch or Daniel Fines, Direction du développement et de la concertation famille et enfance, 600, rue Fullum, Montréal, H2K 4S7; tel. (514) 873-6799, fax: (514) 864-2170.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 20-day period following this publication, to the Minister for Child and Family Welfare, 1050, des Parlementaires, 7^e étage, Québec, G1R 5Z8.

PAULINE MAROIS,
*Minister of Child and
Family Welfare*

NICOLE LÉGER,
*Minister for Child and
Family Welfare*

Regulation to amend the Regulation respecting childcare centres*

An Act respecting childcare centres and childcare services
(R.S.Q., c. S-4.1, s. 73, pars. 1, 2, 4, 6, 13, 14, 17 and 18; 1997, c. 58, s. 122, pars. 1, 2, 4, 9 and 12)

1. Section 2 of the Regulation respecting childcare centres is amended

(1) by substituting the word “inscrite” for the word “enregistrée” in the French version of paragraph 2;

(2) by substituting the word “inscrit” for the word “enregistré” in the French version of paragraph 5;

(3) by substituting the word “seront” for the word “sont” in the French version of the introductory part of paragraph 6;

(4) by substituting the word “inscrit” for the word “enregistré” in the French version of clause *ii* of paragraph 6;

* The Regulation respecting childcare centres, made by Order in Council 1069-97 dated 20 August 1997 (1997, *G.O.* 2, 4368), has not been amended since then.

(5) by substituting the word “précisant” for the words “lesquelles doivent préciser” in the French version of the introductory part of paragraph 7; and

(6) by deleting subparagraph *i* of paragraph 7.

2. Section 4 is amended

(1) by substituting “less than 5” for “5” in paragraph 3;

(2) by substituting “30 September” for “1 October” in paragraph 4.

3. The following paragraphs are added at the end of section 17:

“Notwithstanding the preceding, the holder of a new centre permit has until the third anniversary of the issuance of his permit to comply with the first paragraph. During that time, the permit holder shall ensure that at least one childcare staff member out of 3 has one of the qualifications required in the first paragraph.”

The holder of a centre permit which has been modified to increase the maximum number of children he may receive in his facility has until the third anniversary of the modification to comply with the first paragraph. During that time, the permit holder shall ensure that, in the facility affected by the modification, at least one childcare staff member out of 3 has one of the qualifications required in the first paragraph.”

4. Section 21 is amended

(1) by substituting “less than 5” for “5” in subparagraph 3 of the first paragraph;

(2) by substituting the following for subparagraph 4 of the first paragraph:

“(4) one member for a maximum of 20 children present, aged 5 years and over as of 30 September.”

5. The following is substituted for paragraph 2 of section 22:

“(2) proof that the members of his childcare staff meet the requirements of section 17 or sections 18 and 20;”

6. Section 29 is amended

(1) by substituting the word “Ces” for the words “Les heures de ces” in the French version of the first paragraph; and

(2) by substituting the word “visits” for the words “interviews and on that visit” in the second paragraph.

7. The following is substituted for paragraphs 1 and 2 of section 34:

“(1) the person has committed, authorized the commission of, consented to or participated in the commission of an offence against any provision of the second or third paragraph of section 8, section 22 or the fifth paragraph of section 39 of the Act;

(1.1) the person has committed, authorized the commission of, consented to or participated in the commission of an offence against any provision of sections 30, 32, 33, 48 to 56, 58 to 72, 80, 81 or 92 to 97 of this Regulation;

(2) the person no longer meets the terms and conditions of the Act or of this Regulation for recognition;”

8. Section 52 is amended by substituting “(C.R.C., c. 931) made” for the word “made”.

9. The word “soit” is struck out in the French version of section 53 after the words “sécuritaire et”.

10. Section 54 is amended by substituting “(SOR/90-39) and the Carriages and Strollers Regulations (SOR/85-379) made under the Hazardous Products Act (R.S.C., 1985, c. H-3)” for “and the Carriages and Strollers Regulations made under the Hazardous Products Act”.

11. Section 57 is deleted.

12. The following is substituted for section 58:

“**58.** A centre permit holder or a provider shall, when providing meals and snacks to children, ensure that they comply with Canada’s Food Guide to Healthy Eating (Health Canada, Ottawa, 1997).”

Where a child is on a special diet prescribed by a member of the Collège des médecins du Québec, the centre permit holder shall follow the parent’s written instructions for the meals and snacks to be provided to that child.”

13. The following is substituted for the heading of Division II of Chapter IV:

“ADMINISTRATION OF MEDICATION”.

14. Section 60 is amended

(1) by substituting the words “member of the Collège” for the words “physician who is a member of the Ordre professionnel” in the first paragraph; and

(2) by substituting the following for the third paragraph:

“Notwithstanding the first paragraph, acetaminophen and oral hydration solutions may be administered without medical authorization to a child received, provided it is done according to the appropriate procedure outlined in Schedule I. Saline nasal drops, zinc oxide-based cream for the seat area and sun cream without PABA may be administered without medical authorization but with the parent’s written authorization to a child received.”.

15. The following is substituted for the heading of Division III of Chapter IV:

“LABELLING AND STORING OF MEDICATION, TOXIC PRODUCTS AND HOUSEHOLD CLEANING PRODUCTS”.

16. The following is substituted for section 64:

“**64.** A centre permit holder or a home childcare provider shall ensure that every medication, household cleaning product or toxic product is clearly labelled and stored in a space intended specifically for that purpose, out of reach of children and separately from all foodstuffs. However, he does not have to keep oral hydration solutions away from food.

When children are received in a facility, the centre permit holder shall keep that storage space under lock and key.

Notwithstanding the second paragraph, hydration oral solutions, saline nasal drops and creams for the seat area do not have to be stored under lock and key.”.

17. The following is substituted for section 66:

“**66.** A crib with posts and bars, a cradle or a playpen used by a home childcare provider shall comply with the standards prescribed in the Cribs and Cradles Regulations (SOR/86-962) and the Playpens Regulations (C.R.C., c. 932) made under the Hazardous Products Act (R.S.C., 1985, c. H-3).

Every bed modified to comply with those Regulations shall be tested according to the standards and meet all the requirements provided for therein.”.

18. The words “unless they are attended” are substituted for the words “when not attended” in section 73.

19. Section 75 is amended

(1) by substituting “(L.R.C., 1985, chapitre H-3)” for “(L.R.C., 1985, c. H-3)” in the French version of the first paragraph; and

(2) by substituting the following for the second paragraph:

“Every bed modified to comply with those Regulations shall be tested according to the standards and meet all the requirements provided for therein.”.

20. The following is inserted after section 77:

“**77.1** A centre permit holder shall ensure that the premises, equipment, furniture and playthings

(1) are kept clean;

(2) are regularly disinfected, in the absence of the children; and

(3) are maintained in good condition or repaired so as to respect their initial conditions of use.”.

21. The following is substituted for section 83:

“**83.** The capacity allowed on the premises where childcare is provided in a facility shall be calculated on the basis of the net area of the play areas:

(1) if the childcare facility receives children younger than 18 months of age, the minimum required space is 4 m² per child and, for each group of 15 children and less, that space shall be divided into at least 2 separate rooms, one for playing and another for rest; in each of the rooms, no more than 15 children may be received at the same time and the rest room shall be used for rest only;

(2) if the childcare facility receives children 18 months of age and older, the minimum required space is 2.75 m² per child. That space may be divided into several rooms and each room may not contain more than 30 children at the same time, except for special activities.”.

22. The following paragraph is added at the end of section 85:

“In addition, in the case of a play area referred to in paragraph 1 of section 83, the permit holder shall make sure that the rooms intended respectively for playing and rest are adjacent and enable to watch the children directly, in particular through a glass opening, between those rooms.”.

23. The word “inscrit” is substituted for the word “enregistré” in subparagraph 2 of the first paragraph of the French version of section 87.

24. The following is substituted for the second paragraph of section 88:

“The premises shall be equipped with a refrigerator, a kitchen range or a hot plate, a telephone line and a first-aid kit whose content is listed in Schedule II.”.

25. The words “or to the premises where children are received” are added after the words “to the centre” in section 91.

26. The words “journées ou demi-journées” are substituted for the words “jours ou demi-jours” in the French version of subparagraph 3 of the first paragraph of section 98.

27. The year “2000” is substituted for the year “1999” in the first paragraph of section 104.

28. The words “was mentioned the class of age of children from birth to 17 months of age, does not have, contrarily to the second paragraph of section 85” are substituted for the words “is mentioned the class of age of children from birth to less than 18 months of age, does not have, contrarily to subparagraph 1 of the first paragraph of section 83” in section 105.

29. The words “if the play area undergoes architectural work” are substituted for the date “as of 1 September 1999” in the second paragraph of section 106.

30. The words “of the sum of the maximum number of children mentioned on each permit” are substituted for the words “of the total of both maximum number of children mentioned on the permits of each holder” in section 108.

31. The year “2000” is substituted for the year “1999” in section 109.

32. The “1. PROCEDURE FOR ADMINISTERING ACETAMINOPHEN” in Schedule I is amended:

(1) by inserting “(R.S.Q., c. S-4.1)” after the words “childcare services” in the first paragraph;

(2) by inserting the word “n” after the word “devrait” in the French version of the fourth paragraph under the heading “*Les règles de base à respecter*”;

(3) by adding the following at the end of the sixth paragraph under the heading “Basic rules”:

“It is also recommended to use only one concentration where several concentrations of acetaminophen are available.”;

(4) by substituting the following for the second item of the first paragraph under the heading “What you should do”:

“• make the child drink often (water, fruit juice, milk);”;

(5) by inserting the words “ou déposer” after the word “verser” in the French version of the third item of the fourth paragraph under the heading “*Ce qu’il faut faire*”;

(6) by deleting the two paragraphs following the table “ACETAMINOPHEN: DOSAGE” under the heading “What you should do”;

(7) by deleting the words “a physician who is” in the first paragraph under the heading “AUTHORIZATION FORM FOR ACETAMINOPHEN”; and

(8) by substituting “(1998)” for “(1993)” at the end of the last paragraph.

33. The “2. PROCEDURE FOR ADMINISTERING ORAL HYDRATION SOLUTIONS” in Schedule I is amended

(1) by inserting “(R.S.Q., c. S-4.1)” after the words “childcare services” in the first paragraph;

(2) by substituting the following for the first, second and third items of the first paragraph under the heading “What you should do”:

“• cease all normal feeding for 15 to 30 minutes;

• avoid giving carbonated drinks and juices;

• later, when the child has stopped vomiting, administer a small quantity (15 to 30 ml) of oral hydration solution approximately every 10 to 20 minutes; administer the solution at room temperature and increase the quantity gradually if the child tolerates it;”;

(3) by deleting the words “a physician who is” in the first paragraph under the heading “AUTHORIZATION FORM FOR ORAL HYDRATION SOLUTIONS”; and

(4) by substituting “(1998)” for “(1992)” at the end of the last paragraph under the heading “AUTHORIZATION FORM FOR ORAL HYDRATION SOLUTIONS”.

34. The procedures “3. PROCEDURE FOR ADMINISTERING SALINE NASAL DROPS”, “4. PROCEDURE FOR ADMINISTERING ZINC OXIDE-BASED CREAMS FOR THE SEAT AREA” and “5. PROCEDURE FOR ADMINISTERING SUN CREAM WITHOUT PABA” are deleted from Schedule I.

35. The following is substituted for the heading and reference at the beginning of Schedule II:

“CONTENT OF FIRST-AID KIT
(ss. 88 and 96, par. 2)”.

36. 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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Draft Regulation

An Act respecting childcare centres and childcare services
(R.S.Q., c. S-4.1; 1997, c. 58)

Day care centres — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting day care centres, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation makes various amendments to the classes of age of children attending day care centres, to the ratio between the number of staff members and the number of children of five years of age and over as of 30 September who are received in a day care centre and to the conditions and qualification requirements that must be met by staff members in order to work in day care centres. The draft Regulation relaxes certain provisions respecting the administration of medication and the laying out of play areas; it also introduces provisions relating to the safety of children as regards the laying out of premises, furniture, equipment and storage of products. In order to ensure the health of the children, the draft Regulation introduces provisions relating, among other things, to the prohibition of animals in day care centres, the obligation to take the children outside and the content of a first-aid kit. The draft Regulation proposes that the capacity of the premises of a day care centre be increased to 80 children and that two permit holders may not occupy the same building; lastly, it proposes that the same outdoor play area may not be shared.

In penal matters, the draft Regulation specifies the provisions of the Regulation whose contravention constitutes an offence punishable by a fine; those provisions have also been rewritten so that the person who infringes them commits his penal responsibility. The draft Regulation contains several consistency provisions that have become necessary following the amendments made to the Act respecting childcare centres and childcare services in 1996 and 1997 and the adoption of the Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care (1997, c. 58); it also contains provisions to ensure consistency with the Civil Code of Québec, technical amendments and transitional measures. Lastly, the draft Regulation also contains updating provisions.

The draft Regulation sets out new obligations to be met by the permit holder: hire staff members with no judicial records, keep a record on his staff, install a window to watch the children, provide a mechanism for controlling access to the day care centre, take the children outside when weather is clement and supply the first-aid kit according to the requirements of this Regulation.

Further information may be obtained by contacting Ms. Nathalie St-Roch or Mr. Daniel Fines, Direction du développement et de la concertation famille et enfance, 600, rue Fullum, Montréal (Québec) H2K 4S7; telephone: (514) 873-6799; fax: (514) 864-2170.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period following this publication, to the Minister for Child and Family Welfare, 1050, des Parlementaires, 7^e étage, Québec (Québec) G1R 5Z8.

PAULINE MAROIS,
*Minister of Child and
Family Welfare*

NICOLE LÉGER,
*Minister for Child and
Family Welfare*

Regulation to amend the Regulation respecting day care centres¹

An Act respecting childcare centres and childcare services
(R.S.Q., c. S-4.1, s. 73, 1st par., subpars. 1 to 6, 17 to 19 and 24; 1997, c. 58, s. 122, pars. 1 to 5, 12 and 16)

1. The Regulation respecting day care centres is amended in the French text by substituting the following for the title:

¹ The Regulation respecting day care centres, made by Order in Council 1971-83 dated 28 September 1983 (1983, *G.O.* 2, 3527), was last amended by the Regulation made by Order in Council 1070-97 dated 20 August 1997 (1997, *G.O.* 2, 4391). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.