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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

## **Bill 125**

(2010, chapter 38)

### **An Act to facilitate organ and tissue donation**

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**Introduced 11 November 2010**  
**Passed in principle 30 November 2010**  
**Passed 8 December 2010**  
**Assented to 10 December 2010**

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## EXPLANATORY NOTES

*This Act amends the Act respecting the Régie de l'assurance maladie du Québec so that a person may, at any time after applying to be registered with the Régie de l'assurance maladie du Québec ("the Board"), authorize in writing, on a form provided by the Board, the post-mortem removal of organs or tissues for transplant. The information the Board collects on the consent form is specified, as is the information that must be included on the form or in an accompanying notice for the person's benefit.*

*In addition, the Board must establish and update a consent registry for post-mortem organ and tissue removal. The Board must, on request, send the information collected using the consent form to organizations that coordinate organ or tissue donations and are designated for that purpose by the Minister of Health and Social Services.*

*The Act respecting labour standards is amended so that persons who are absent from work to make an organ or tissue donation for transplant retain their employment status.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5);
- Act respecting health services and social services (R.S.Q., chapter S-4.2).

## LEGISLATION REPLACED BY THIS ACT:

- Act to facilitate organ donation (2006, chapter 11).

## Bill 125

### AN ACT TO FACILITATE ORGAN AND TISSUE DONATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

**1.** Section 2 of the Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5), amended by section 20 of chapter 8 of the statutes of 2008, is again amended by inserting the following paragraph after the third paragraph:

“The Board shall establish and update a consent registry for the post-mortem removal of organs and tissues, for use by organizations that coordinate organ or tissue donations and are designated by the Minister of Health and Social Services under section 2.0.11.”

**2.** The Act is amended by inserting the following sections after section 2.0.7:

“**2.0.8.** For the purposes of the fourth paragraph of section 2, a person may, at any time after applying to be registered with the Board under section 9 of the Health Insurance Act (chapter A-29), authorize in writing, on a consent form provided by the Board for that purpose, the post-mortem removal of the person's organs or tissues for transplant, as permitted under article 43 of the Civil Code of Québec.

Consent may be revoked at any time, in writing, using the form provided by the Board for that purpose.

“**2.0.9.** The consent form authorizing the removal of organs or tissues, or the accompanying notice, must inform the person concerned

(1) that consent will be acted upon for the purposes of a transplant;

(2) that the information appearing on the consent form may be sent, on request, to an organization that coordinates organ or tissue donations and is designated on the list drawn up by the Minister and published on the Board's website;

(3) that consent may be revoked at any time, in writing, using the form provided by the Board for that purpose; and

(4) that the Board will not solicit the person's consent again if the person has already given it.

**“2.0.10.** The Board shall use the consent form to obtain the following information:

(1) the person's freely given consent to the post-mortem removal of organs or tissues;

(2) the signature of the person concerned and, if the person is under 14 years of age, the signature of the holder of parental authority or tutor authorizing the person to give consent;

(3) the date of each signature; and

(4) any other identification information the Board requires in the exercise of its functions relating to the consent registry for the post-mortem removal of organs and tissues.

The Board shall enter the information collected using the consent form in the registry established under the fourth paragraph of section 2.

For the purposes of this section, the Board may use the identification information obtained for the carrying out of the Health Insurance Act (chapter A-29), despite the second paragraph of section 67 of that Act.

**“2.0.11.** The Minister shall draw up a list of organizations that coordinate organ or tissue donations to which the Board may send information collected using the consent form. The list is published on the Board's website.

**“2.0.12.** The Board must, on request, send the information collected using a consent form to an organization designated by the Minister under section 2.0.11.”

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**3.** Section 204.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is replaced by the following section:

**“204.1.** When informed of the imminent or recent death of a potential organ or tissue donor, the director of professional services of an institution operating a general and specialized hospital shall diligently

(1) verify, with one of the organizations that coordinate organ or tissue donations and are designated by the Minister under section 2.0.11 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), whether the potential donor's consent for the post-mortem removal of organs or tissues is recorded in the consent registries established by the Ordre professionnel des notaires du Québec and the Régie de l'assurance maladie du Québec, in order

to determine the donor's last wishes expressed in this regard in accordance with the Civil Code of Québec; and

(2) send to such an organization, if the consent has been given, any necessary medical information concerning the potential donor and the organs or tissues that may be removed.

The director of professional services is informed of the imminent or recent death of a potential organ or tissue donor in accordance with the procedure established by the institution.”

#### ACT RESPECTING LABOUR STANDARDS

**4.** Section 70 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing “accident” in the third paragraph by “an organ or tissue donation for transplant, an accident”.

**5.** Section 74 of the Act is amended by replacing “or accident” in the second paragraph by “, an organ or tissue donation for transplant or an accident”.

**6.** The heading of Division V.0.1 of Chapter IV of the Act is replaced by the following heading:

“ABSENCES OWING TO SICKNESS, AN ORGAN OR TISSUE DONATION FOR TRANSPLANT, AN ACCIDENT OR A CRIMINAL OFFENCE”.

**7.** Section 79.1 of the Act is amended by replacing “or accident” in the first paragraph by “, an organ or tissue donation for transplant or an accident”.

**8.** Section 89 of the Act is amended by replacing “accident” in paragraph 6 by “an organ or tissue donation for transplant, an accident”.

#### FINAL PROVISIONS

**9.** This Act replaces the Act to facilitate organ donation (2006, chapter 11).

**10.** This Act comes into force on 28 February 2011.