

Draft Regulations

Draft Regulation

Animal Health Protection Act
(R.S.Q., c. P-42)

Safety and welfare of cats and dogs

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 respecting the safety and welfare of cats and dogs, appearing below, may be made by the Government on the expiry of 45 days following this publication. The draft Regulation establishes standards governing the custody of cats and dogs to ensure their safety and welfare.

Study of the matter has shown an increase in costs of 1.6 million dollars for enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Dr. Dominique Baronet, Direction du développement et de la réglementation, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation; telephone: 418 380-2100, extension 3126.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Madeleine Fortin, Assistant Deputy Minister, Direction générale de la santé animale et de l'inspection des aliments, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6; fax: 418 380-2171.

PIERRE CORBEIL,
Minister of Agriculture, Fisheries and Food

Regulation respecting the safety and welfare of cats and dogs

Animal Health Protection Act
(R.S.Q., c. P-42, s. 55.9.14.1)

CHAPTER I OBJECT

1. This Regulation establishes standards for the keeping of cats (*felis catus*) and their hybrids, and the keeping of dogs (*canis familiaris*) and their hybrids, in order to provide for their safety and welfare.

CHAPTER II PROVISIONS APPLICABLE TO CERTAIN OWNERS OR CUSTODIANS OF ANIMALS

2. The owner or custodian of 5 or more adult animals of the same species kept in one location, regardless of that location, must comply with the requirements of this Chapter.

The same applies to the owner or custodian of one or more animals kept

(1) in the kennel or cattery of a laboratory or an academic institution;

(2) on the premises of a commercial activity such as a breeding operation, a pet shop, a grooming salon, an animal boarding establishment, or a veterinary clinic or hospital; or

(3) on premises held by an establishment.

An adult animal is an animal 6 months old or older.

An establishment is an entity, regardless of juridical form, whose purpose is to collect animals that are given up, captured or abandoned, with a view to protecting them and controlling their population, and to act as an intermediary through which they may be transferred to a new custodial location.

DIVISION I FOOD AND WATER

3. Food and drinking water provided for an animal must be fresh and free of contaminants such as feces, urine and litter.

4. Snow and ice are not a source of drinking water that meets the animal's biological needs.

An animal's biological needs are its needs relating, in particular, to its species, age, growth stage, size, level of physical activity and state of health, to the fact that it is gestating or lactating, and to its exposure to heat or cold.

DIVISION II SHELTER

§1. Buildings

5. A building in which an animal is kept must be built and maintained to

(1) be waterproof and to protect the animal from bad weather;

(2) protect the animal from the adverse effects of the sun, and from drafts; and

(3) prevent escape by the animal, and the intrusion of any other animal.

For the purposes of this Regulation, a building is any structure or part of a structure in which an animal is kept, including a barn, shed, hangar or garage. A vehicle adapted for the primary purpose of holding animals is considered to be a building.

6. Floors in the building must be designed and built to allow for the drainage of all liquids such as urine and clean-up water.

7. Floors in the building, and the lower portions of walls with which an animal may come into contact, must

(1) be made of smooth, durable, non-toxic materials that can be washed and disinfected easily, and are mould and corrosion resistant;

(2) be in good condition, safe and free of rust or holes other than those for urine drainage, with no parts jutting out and no sharp edges or other potential causes of injury to the animal.

8. The building's indoor temperature and humidity must be compatible with the animal's biological needs.

9. The building must be ventilated to renew the ambient air and prevent the accumulation of air contaminants such as ammonia and dust.

10. The intensity and duration of the lighting in a building in which an animal is kept must be compatible with the animal's biological needs.

They must also be sufficient for an inspection of the premises and of the animal kept there.

11. Sections 6 and 7 do not apply where the building is a dwelling house.

§2. Rest area

12. Regardless of where an animal is kept, it must have access at all times to an area that is dry, clean, comfortable and sufficiently large to allow the animal to lie down.

The area must provide shelter from elements that may stress the animal or harm its health, including bad weather, sun, drafts, loud noise and harmful gases.

§3. Cages and enclosures

13. Cages and enclosures must be sufficiently large for the confined animal to stand up and sit normally, turn around easily, stretch out full length and lie on its side with its legs fully extended.

A cage is a container for confining an animal, usually having a floor, a ceiling and 4 walls at least 1 of which is a mesh or trellis or has openings over most of its surface. A cage may be portable or fixed.

An enclosure is an enclosed area for confining an animal, but not large enough for a dog to exercise. An enclosure may be indoor or outdoor.

14. Cages and enclosures must

(1) be made of durable, non-toxic materials that can be washed and disinfected easily, and are mould and corrosion resistant;

(2) be in good condition, safe and free of rust, parts jutting out, and sharp edges or other potential causes of injury;

(3) be solid and stable;

(4) be built and installed to prevent the escape of the confined animal and any injury or stress inflicted by another animal not kept in the same cage or enclosure;

(5) have at least 1 side through which the custodian can easily observe the confined animal and the animal can see outside; and

(6) be built and installed to allow air circulation.

15. Cages and enclosures must be installed so as not to become soiled by feces, urine or waste from another cage or enclosure.

16. An animal may not be kept in a cage or enclosure with a mesh floor.

A mesh floor is a floor made of mesh that may or may not be plasticized or encased in another synthetic material.

17. An animal may be kept in a cage or enclosure with a duck-board floor made of planks placed side by side with a space in between, or a perforated floor in which small holes have been made to allow for the drainage of urine, provided that

(1) the entire floor is rigid and supports the animal without sagging;

(2) the floor is in good condition;

(3) the animal's paws cannot pass through or get stuck in the spaces between the boards or in the holes; and

(4) the floor has a non-slip surface.

18. The floor of a cage or enclosure may be sloped, provided the angle of incline is not greater than 4%.

§4. Yard

19. A yard to which an animal has access for exercise must

(1) be large enough for the animal to run around;

(2) be built to prevent the animal from escaping and to prevent the infliction of an injury or stress by another animal not kept in the same yard;

(3) have a surface that drains easily;

(4) if outdoors, contain an area large enough to protect the animal from bad weather and the adverse effects of the sun; and

(5) have a fence with posts and wire mesh, if applicable, and all other components, that are in good condition and free of rust, parts jutting out, sharp edges or other potential causes of injury.

A yard is an enclosed area in which a number of animals can run free together. A yard may be indoor or outdoor.

20. Section 19 does not apply to municipal parks intended for the exercise of animals.

§5. Equipment

21. An animal's food and water containers or dispensers must

(1) be appropriate to the animal's physical characteristics, particularly body size and muzzle shape and size;

(2) be easy to clean and disinfect;

(3) be made of a non-toxic material, in good condition, solid and easily accessible, and free of potential causes of injury; and

(4) be designed and installed to avoid spills and contamination.

22. Cats that are kept indoors must have access at all times to a litter box that

(1) is made of a non-toxic material that can be washed and disinfected easily;

(2) is in good condition, free of rust, parts jutting out and sharp edges or other potential causes of injury; and

(3) contains a sufficient amount of regularly-replaced absorbent litter, to avoid odours and the accumulation of feces and urine.

§6. Animals kept mostly outdoors

23. An animal may be kept mostly outdoors if its morphology, coat, age and health are such that the animal is adequately protected from the weather conditions to which it is exposed.

24. A dog kept mostly outdoors must have a dog-house that

(1) is made of durable, non-toxic, corrosion resistant materials;

(2) has a waterproof roof and walls, a floor raised off the ground and an opening through which the dog can enter at all times, facing away from prevailing winds to protect the dog;

(3) is in good condition, with no parts jutting out, sharp edges or other potential causes of injury;

(4) is solid and stable; and

(5) is designed and built so that the dog can turn around and can maintain its body temperature in cold weather.

25. The inside of a doghouse is not considered to be a shaded area.

§7. Restraints

26. An animal kept in a cage or enclosure must not be attached.

27. An animal must not be attached outdoors for more than 12 hours per day.

28. A restraint such as a chain or a rope that is used to attach an animal outdoors must

(1) not be liable to get stuck or shortened, in particular by wrapping itself around an object;

(2) not cause discomfort for the animal, in particular because of its weight;

(3) allow the animal to move about freely and safely; and

(4) allow the animal to reach its food and water.

29. The animal's collar must not hamper the animal's breathing, or cause it pain or injury.

30. Muzzled dogs must not be left unattended.

§8. Cleanliness and safety

31. An animal's cage, enclosure, yard, doghouse and immediate surroundings must be free of any product, object or material that poses a threat to its health.

32. A cage, enclosure, yard, doghouse or building in which an animal is kept, and the animal's immediate surroundings including any equipment and accessories, must be kept clean and free of waste, and in particular of accumulations of feces and urine.

33. Articles used to clean the building, cage, enclosure, yard, doghouse and immediate surroundings in which an animal is kept, including accessories and any object with which the animal may come into contact, must be kept clean.

34. Products used to clean and disinfect the animal's immediate surroundings and objects with which the animal may come into contact must be used according to the manufacturer's recommendations.

35. The containers and dispensers for the animal's food and water, and any utensils used to serve the animal's food, must be rinsed after being cleaned to remove all cleaning and disinfecting residue.

36. The owner or custodian of an animal must prepare, keep up to date and implement a cleaning, disinfecting and vermin control protocol for the building, cage, enclosure or yard in which the animal is kept and any equipment or accessories it contains. The protocol must indicate

(1) the frequency of cleaning and disinfecting;

(2) the order in which cleaning and disinfecting must be done;

(3) the cleaning products and disinfectants to be used as well as their concentration, surface contact time and rinsing method; and

(4) the vermin control procedure to be used.

The protocol must be made available to any person who looks after the animal, and to an inspector on request.

This section does not apply when an animal is kept in a dwelling house.

37. An animal's carcass must be removed without delay from the immediate environment of other animals.

DIVISION III
HEALTH

§1. Prevention

38. The following animals must be kept separate:

(1) incompatible animals;

(2) aggressive animals;

(3) a female in heat and a non-castrated adult male; and

(4) an unweaned animal and an adult animal other than its mother.

However, an owner or custodian may keep a female in heat and a non-castrated adult male together solely for the time required for them to mate.

A weaned animal is an animal less than 6 months old that has been eating solid food as its main source of nourishment for at least 5 consecutive days.

39. To prevent the spread of disease and parasites, animals with symptoms of disease must be separated from other animals.

Animals of unknown state of health must be quarantined.

An animal's state of health is determined on the basis of known information about its health, including information about administered vaccines and wormers, diagnosed illnesses and observed symptoms.

40. An animal must be groomed and have its claws trimmed frequently enough to avoid discomfort, injury and poor posture or gait.

§2. *Exercise*

41. Animals must exercise, in keeping with their age and physical condition.

42. The owner or custodian of an animal must draw up and implement an exercise protocol for the animal. The protocol must be kept up to date and made available to every person who cares for the animal and to an inspector on request.

This section does not apply where an animal is kept at liberty in a dwelling house, in a grooming salon, or in a veterinary clinic or hospital to receive care.

§3. *Gestating and lactating animals*

43. Females at the end of gestation and females nursing a litter must be kept separate from other animals, in a birthing cage or enclosure in which

(1) the floor is not duck-board; and

(2) the spacing between the bars is close enough to prevent kittens or puppies from escaping or from causing themselves harm.

44. Mother animals must have ongoing access to their kittens or puppies until they are weaned.

However, mother animals must be able to isolate themselves from their litter if they wish.

45. A new-born kitten or puppy must be kept at a temperature suitable for its biological needs.

Where a source of artificial heat is used to warm a kitten or puppy, it must not be liable to cause it injury.

46. No kitten or puppy may be force weaned by the owner or custodian.

§4. *Euthanasia*

47. When an animal is euthanized, its owner or custodian must ensure that the circumstances and the method used are not cruel and reduce the animal's anxiety and pain to a minimum. The euthanasia method chosen must result in rapid and irreversible loss of consciousness, followed quickly by death.

The owner or custodian must ensure that the absence of vital signs is determined immediately following euthanasia.

48. The injection of a concentrated barbiturate is the only euthanasia method permitted in the case of animals less than 4 months old, gestating animals and animals that have respiratory difficulties or severe injuries, or are non-ambulatory.

49. The owner or custodian of an animal must have the animal euthanized if, in the opinion of a veterinary surgeon, its suffering cannot be alleviated.

50. When animals are to be euthanized through the inhalation of a gas in a euthanasia chamber,

(1) all animals placed in the euthanasia chamber at the same time must be of the same species;

(2) animals placed at the same time in a euthanasia chamber that can hold more than 1 animal must be separated from each other;

(3) visual contact must be maintained with the animals to ensure that the euthanasia meets the conditions set out in section 47.

A euthanasia chamber is a hermetically sealed structure of reduced proportions that can hold a limited number of animals for the purpose of euthanizing them through the administration of a lethal gas.

51. If carbon monoxide (CO) is used in a euthanasia chamber, it must be filtered and cooled and used in a constant concentration of 6% after 2 minutes of chamber operation. The animals must remain in the euthanasia chamber during at least 20 minutes of operation.

52. A euthanasia chamber must be cleaned before new live animals are placed there.

53. No animal may be kept in a room where a euthanasia chamber is being used.

DIVISION IV REGISTER

54. For each animal kept, the owner or custodian must maintain an up-to-date register containing

(1) a description of the animal, including species, breed or crossbreed, colour, gender and date of birth or, if unknown, approximate date of birth;

(2) an indication whether the animal has a microchip implant, along with the microchip number or a tattoo number, if the animal has one, and any other number used by the owner or custodian to identify the animal;

(3) if the animal was not born with its current owner or custodian, the date of its arrival, and the name, address and telephone number of its previous owner or custodian; and

(4) the date of the animal's death, or of its transfer to a new owner or custodian. If the new owner or custodian is an owner or custodian referred to in section 2, except the owner or custodian operating an animal board establishment, a grooming salon or a veterinary clinic or hospital, the register must also contain the name, address and telephone number of the new owner or custodian.

55. The register provided for in section 54 must be kept at the place where the animal is kept for 3 years after the animal's death or after its transfer to a new custodial location.

The register must be given to an inspector on request.

56. The owner or custodian of the animal must record in the register, accurately and legibly, all of information required by section 54.

57. Grooming salons, animal board establishments and veterinary clinics and hospitals are dispensed from keeping the register provided for in section 54.

CHAPTER III PROVISIONS APPLICABLE TO ESTABLISHMENTS

58. In addition to complying with the requirements of Chapter II, the custodian of an animal kept on premises held by an establishment must comply with the requirements of this Chapter.

59. For the purposes of section 39, a building kept by an establishment must include an isolation room and a quarantine room.

60. Cages and enclosures used in isolation and quarantine rooms must be designed and installed so as to reduce the risk of contamination and direct contact between animals to a minimum.

61. Cages and enclosures located in isolation and quarantine rooms, including their equipment and accessories, must be disinfected prior to housing a new animal and must be disinfected daily during disease outbreaks.

62. Traffic between isolation and quarantine rooms and the other sections of the building must be limited, and all other reasonable means to prevent the spread of disease must be implemented.

CHAPTER IV OTHER PROVISIONS APPLICABLE TO ALL OWNERS AND CUSTODIANS OF AN ANIMAL

63. Sections 3 and 4, section 12 where an animal is kept mostly outdoors, sections 23 to 30 and 47 apply to all owners and custodians of a cat or a dog.

CHAPTER V EXEMPTION FOR VETERINARY SURGEONS

64. The owner or custodian of an animal is not required to comply with any provision of Chapter II whose application, as attested in the written opinion of a veterinary surgeon, is not recommended for the animal, given its state of health.

The opinion of the veterinary surgeon must

(1) be signed and dated and indicate the veterinary surgeon's licence number;

(2) indicate the name and contact information of the animal's owner or custodian;

(3) describe the animal in question so that it is recognizable by its owner or custodian or by an inspector;

(4) state the requirement from which the animal's owner or custodian is temporarily exempted;

(5) state the period during which the owner or custodian is exempted from the requirement under subparagraph 4; and

(6) be kept for the period stated under subparagraph 5 and made available to an inspector on request.

65. Veterinary surgeons are not required to comply with any provision of Chapter II whose application is not recommended for an animal in their custody, given its state of health.

CHAPTER VI FINAL

66. This Regulation comes into force on (*insert the date that occurs 6 months after the date of publication in the Gazette officielle du Québec*).

1498

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Aquaculture and sale of fish — Amendment

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 aquaculture and the sale of fish, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation primarily increases powers as regards the control of invasive aquatic species. The draft Regulation also provides for the establishment of new measures whose purpose is to ensure that the health of wild live fish and fish produced and kept in captivity in aquaculture establishments of Québec is better protected. More specifically, the draft Regulation provides

— to make the Regulation applicable to aquarium fish-keeping activities in order to prevent the introduction of non-indigenous fish. The possession of some species of exotic fish, as live fish, will be prohibited in Québec in order to avoid their introduction into the waters of the province, which would compromise sport and commercial fisheries;

— to prohibit the importation of fish intended for use as baitfish for fishing;

— to authorize holders of sport fishing licences to transport live fresh water crustaceans for their personal consumption;

— to amend stocking activities authorized in the 21, 22 and 24 aquaculture areas;

— to establish a list of bodies of water in which the stocking of fish will from now on be prohibited, in accordance with the direction set in 2008 by the Ministère des Ressources naturelles et de la Faune and its partners within the context of the *Lignes directrices sur les ensemencements de poissons*.

The draft Regulation has no negative impact on the resource and the usual clientele of the department. The proposed measures will have a positive impact since they will increase the protection of the integrity of Québec fish populations and aquatic ecosystems. The measures will also allow to maintain the conditions of operation of sport and commercial fisheries.

Further information on the draft Regulation may be obtained by contacting Valérie Harvey, Service de la réglementation, de la tarification et des permis, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 2L4; telephone: 418 521-3888, extension 7373; fax: 418 646-5179; e-mail: valerie.harvey@mrnf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nathalie Camden, Associate Deputy Minister, Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

SERGE SIMARD, NATHALIE NORMANDEAU,
Minister for Natural Resources and Wildlife *Minister of Natural Resources and Wildlife*

Regulation to amend the Regulation respecting aquaculture and the sale of fish

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 70, 73, pars. 1 to 3 and 7, and 162, pars. 14, 16 and 23)

1. The Regulation respecting aquaculture and the sale of fish (c. C-61.1, r. 7) is amended in section 1 by adding the following definition at the end:

““aquarium fish-keeping” means the keeping in captivity, breeding or production of fish in an artificial environment from which they cannot get out without human intervention, except activities carried out under a licence to operate a breeding pond, a fish-tank for baitfish, or carried out by the holder of a licence issued under the Act respecting commercial aquaculture (R.S.Q., c. A-20.2).”.

2. Section 2 is amended

(1) by replacing “and live anadromous and catadromous fish, and to the treatment of contagious and parasitic diseases in such fish, except hobby fish that are not of a native or naturalized species” in the first paragraph by