

Regulations and other Acts

Gouvernement du Québec

O.C. 95-2012, 16 February 2012

An Act respecting prescription drug insurance
(R.S.Q., c. A-29.01)

Exercice of the functions provided for in sections 57 and 58 of the Act respecting prescription drug insurance by the Régie de l'assurance maladie du Québec

WHEREAS, under section 57 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01), the Régie de l'assurance maladie du Québec is responsible for making recommendations to the Minister of Health and Social Services on changes in the price of medications already entered on the list provided for in section 60 of the Act;

WHEREAS section 58 of the Act respecting prescription drug insurance provides that for the purposes of section 57, the Board may require accredited manufacturers and wholesalers, or manufacturers and wholesalers who have applied for accreditation, to provide information on the price of the medications they offer for sale;

WHEREAS, under the first paragraph of section 90 of the Act respecting the Institut national d'excellence en santé et en services sociaux (R.S.Q., c. I-13.03), the Board succeeds to the functions of the Conseil du médicament that are entrusted to it;

WHEREAS, under the second paragraph of section 90 of the Act respecting the Institut national d'excellence en santé et en services sociaux, the institute exercises the functions of the Conseil du médicament entrusted to the Régie de l'assurance maladie du Québec under sections 57 and 58 of the Act respecting prescription drug insurance until the date set by the Government;

WHEREAS it is expedient to set 1 March 2012 as the date from which the Board exercises the functions entrusted to it by sections 57 and 58 of the Act respecting prescription drug insurance;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 1 March 2012 be set as the date from which the Régie de l'assurance maladie du Québec exercises the functions entrusted to it by sections 57 and 58 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01).

GILLES PAQUIN,
Clerk of the Conseil exécutif

1920

Gouvernement du Québec

O.C. 115-2012, 22 February 2012

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Funding of pension plans of the municipal and university sectors — **Amendment**

CONCERNING the Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of this Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan and prescribe special rules applicable to the plan or category;

WHEREAS, in accordance with the third paragraph of that section, such regulation may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the penultimate year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, in accordance with sections 10, 11 and 12 of the Regulations Act, a draft Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors, attached hereto, was

published in part 2 of the *Gazette officielle du Québec* on 21 December 2011, with a notice that it could be made by the Government on the expiry of 30 days following this publication;

WHEREAS, in accordance with the first paragraph of section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that makes it is of the opinion that the urgency of the situation requires it;

WHEREAS, in accordance with the second paragraph of section 18 of this Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS, the Government is of the opinion that the urgency of the following circumstances justifies such coming into force of the Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors:

— under the relief measures regarding the 2008 financial crisis, until 1 January 2012, monthly payments may be reduced to one-third or 20% of the amount otherwise established, according to whether the employer is a municipality or an educational institution at the university level;

— the purpose of the measures contained in the Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors is to extend this option to 1 January 2014;

— for the fiscal year ending on 31 December 2012, the measures will not have full effect unless they come into force early in the fiscal year, as only monthly payments made after the date of coming into force may be adjusted;

WHEREAS it is expedient to make the amended Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors, attached hereto, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 2, par. 2 and 3)

1. The Regulation respecting the funding of pension plans of the municipal and university sectors (c. R-15.1, r. 2) is amended by inserting, after section 39, the following:

“**39.1.** An employer participating in a pension plan — or, in the case of a multi-employer plan, even where it is not considered as such under section 11 of the Act, the participating employers jointly — may, in writing, instruct the pension committee managing the plan that the monthly payments be reduced according to the conditions provided for in section 41 where the following conditions are met:

(1) the payments become due after 31 December 2011 and before 1 January 2014;

(2) the payments relate to the technical actuarial deficiency determined during a complete actuarial valuation of the plan dated after 30 December 2008 and prior to 31 December 2013.

The pension committee that receives instructions given under the first paragraph shall notify the Régie as soon as possible, by sending it the following information in writing:

(1) the date on which the pension committee received the instructions;

(2) the amount, at the date of the actuarial valuation whereby it is determined, of the technical actuarial deficiency related to the monthly payments referred to in the instructions;

(3) the date of the actuarial valuation as well as the date on which the deficiency's amortization period ends, established in accordance with section 142 of the Act;

(4) the monthly payments relating to the amortization payments, established in accordance with section 141 of the Act and this section that become due as regards the deficiency until 31 December 2013 and thereafter.

Any report on an actuarial valuation that determines an unfunded actuarial liability related to the monthly payments to which the instructions refer must also contain the information.

Notwithstanding the second paragraph of section 120 of the Act, where such a report has already been sent to the Régie, it is deemed to be amended by the writing referred to in the second paragraph above as at the date on which the instructions were received by the pension committee.”.

2. Section 42 of the Regulation is amended by inserting “or section 39.1” after “in section 39”.

3. The Regulation is amended by inserting, after section 42, the following:

“**42.1.** For the purposes of applying the first paragraph of section 6 at the beginning of a fiscal year of the pension plan during which the pension committee was instructed to apply the measure provided for in section 39.1, the amortization payment determined for that fiscal year in relation to the technical actuarial deficiency is deemed to be one-third or 20% of the payment otherwise determined, according to whether the plan is referred to in paragraph 1 or in paragraph 2 of the first paragraph of section 41.

For the purposes of applying the first paragraph of section 14, where the monthly payments relating to an amortization payment are reduced further to instructions given in accordance with section 39.1, the value of the amortization payments remaining to be paid to amortize a funding deficiency shall be determined taking into account the reduction of the monthly payments.”.

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*. However, it has effect from 31 December 2011.

1913

Gouvernement du Québec

O.C. 116-2012, 22 February 2012

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Exemption of certain pension plans from the application of provisions of the Act — Amendment

CONCERNING the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of this Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan and prescribe special rules applicable to the plan or category;

WHEREAS, in accordance with the third paragraph of that section, such regulation may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the penultimate year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, in accordance with sections 10, 11 and 12 of the Regulations Act, a draft Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, attached hereto, was published in part 2 of the *Gazette Officielle du Québec* on 21 December 2011, with a notice that it could be made by the Government on the expiry of 30 days following this publication;

WHEREAS, in accordance with the first paragraph of section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that makes it is of the opinion that the urgency of the situation requires it;

WHEREAS, in accordance with the second paragraph of section 18 of the Regulations Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS, the Government is of the opinion that the urgency of the following circumstances justifies such coming into force of the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act:

— under the relief measures regarding the 2008 financial crisis, until 1 January 2012, monthly payments to the Régime de retraite du personnel des CPE et des garderies privées conventionnées du Québec and the Régime complémentaire de rentes des techniciens ambulanciers œuvrant au Québec may be reduced to 20% of the amount otherwise established;