

Regulation respecting the exceptions to the prohibition against paying or reimbursing the price of a medication or supply covered by the basic prescription drug insurance plan

An Act respecting prescription drug insurance (chapter A-29.01, s. 80.2, par. 1)

1. An accredited manufacturer or wholesaler or an intermediary may pay or reimburse to a person covered by the basic prescription drug insurance plan all or part of the price of the following medications:

(1) those entered on the list drawn up by the Minister under section 60 of the Act respecting prescription drug insurance (chapter A-29.01) for which the lowest price method does not apply;

(2) those for which a generic or biosimilar version is not entered on the list drawn up by the Minister under section 60 of the Act.

2. An accredited manufacturer or wholesaler or an intermediary may pay or reimburse to a person covered by the basic prescription drug insurance plan all or part of the price of a medication that is not referred to in section 1 if, before the coming into force of paragraph 1 of section 80.2 of the Act, that person has already received such a payment or reimbursement for that medication.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

103565

Draft Regulation

An Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1)

Authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for the cases and circumstances in which the alienation of a lot or its use for any purpose other than agriculture, in particular for municipal or public utility purposes, may be made without the authorization of the Commission de protection du territoire agricole du Québec.

Study of the matter has shown that the overall economic impact on enterprises is positive.

Further information may be obtained by contacting Pierre-Olivier Girard, Direction du développement et de l'aménagement du territoire, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100; fax: 418 380-2161.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Hélène Doddridge, Assistant Deputy Minister, Sous-ministériat au développement régional et développement durable, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

LAURENT LESSARD,
*Minister of Agriculture,
Fisheries and Food*

Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec

An Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1, s. 80)

CHAPTER I ALIENATION OF A LOT WITHOUT THE AUTHORIZATION OF THE COMMISSION

1. A person may, without the authorization of the commission, alienate a lot or a part of a lot where

(1) the alienation is made in favour of a producer who owns the lot or a part of a lot contiguous to the lot or part of lot alienated;

(2) the seller remains the owner of one or several lots or parts of lots of a contiguous residual area or the residual area that would be contiguous if it were not separated from the former residual part by a public road, a railway, a public utility right of way or the surface of a lot in

respect of which there exists a right recognized under Chapter VII of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), of at least 40 hectares;

(3) the alienation makes the buyer owner of one or several lots or parts of lots whose area contiguous to the residual area purchased or the residual area that would be contiguous if it were not separated from the former residual part by a public road, a railway, a public utility right of way or the surface of a lot in respect of which there exists a right recognized under Chapter VII of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), of at least 40 hectares;

(4) the alienation does not reduce the area of a sugar bush.

CHAPTER II

USE OF A LOT WITHOUT THE AUTHORIZATION OF THE COMMISSION

DIVISION I

USE FOR MUNICIPAL OR PUBLIC UTILITY PURPOSES

2. For the purposes of sections 41 and 56 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), in addition to the cases referred to in section 6 of the Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P-41.1, r. 1), the use of a lot for municipal or public utility purposes is allowed, without the authorization of the commission, in the circumstances provided for in the following cases:

(1) the installation and use of a dry hydrant, tank or body of water to ensure a municipal fire safety service;

(2) work for stabilizing a bank or shore to ensure the conservation of the integrity of a road;

(3) use and maintenance of a ditch for drainage purposes;

(4) dismantling, replacement, repair or maintenance of a section of 2 kilometres or less of a pipe or an electric power line;

(5) installation of an electric power line;

(6) encroachment necessary outside the right of way of a road during work referred to in section 6 of the Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P-41.1, r. 1).

3. The installation and use of a dry hydrant, tank or body of water to ensure a municipal fire safety service is allowed provided that the maximum area occupied by all the works on a same lot or on a contiguous lot that are situated outside the right of way of a road, including the inlet duct and access road, does not exceed 1,000 m².

4. Work for stabilizing a bank or shore to ensure the conservation of the integrity of a road are allowed where it is performed within a 15-metre strip outside of the right of way of the road.

5. The use and maintenance of a ditch for drainage purposes are allowed provided that the route is not modified and the circulation areas are restored.

6. The dismantling, replacement, repair or maintenance of a section of 2 kilometres or less of an underground pipe or electric power line is allowed in the following circumstances:

(1) the work is carried out over a maximum width of 15 metres;

(2) the work does not hinder the agricultural drainage capacity of the lot and adjacent lots;

(3) the layer of topsoil removed at the beginning of the work is set aside to be reused during restoration;

(4) the top part of the pipe or, where applicable, of the electric power line is buried at least at the same depth as it was before the work;

(5) the pipe or, where applicable, the electric power line is covered at the end of the work by a layer of inert soil on which a layer of topsoil is uniformly spread and the ground of the site and its access roads is then cleaned, in-depth decompacted, levelled and rehabilitated to be cultivated.

The dismantling, replacement, repair or maintenance of an aerial electric power line is allowed in the circumstances provided for in subparagraphs 1 and 2.

The duration of the work must not exceed 12 months.

7. The installation of an electric power line is allowed in the following circumstances:

(1) the electric power line is installed on a contiguous lot that belongs to the same person as the lot on which the immovable served is situated;

(2) the electric power line is installed on a lot contiguous to the immovable served and at less than 1 metre from a road, ditch or the boundaries of a field.

The circumstances provided for in section 6 apply, with the necessary modifications, to work allowed under the first paragraph except that in the case of an underground electric power line, it must be buried at a minimum depth of 1.6 metres.

8. An encroachment over a maximum width of 15 metres from the right of way of a road is allowed during work referred to in section 6 of the Preservation of Agricultural Land and Agricultural Activities Regulation (chapter P-41.1, r. 1), in the following circumstances:

(1) the encroachment is necessary for carrying out the work, in particular for clearing or filling or the deviation of a watercourse, the construction of a detour road or the removal of topsoil to avoid its compaction or contamination;

(2) the work does not hinder the agricultural drainage capacity of the lot and adjacent lots;

(3) the topsoil layer is removed at the beginning of the work and is set aside to be reused during restoration;

(4) a layer of inert soil is spread at the end of the work and is covered with a uniform layer of topsoil and the ground of the site and its access roads is cleaned, in-depth decompacted, levelled and rehabilitated to be cultivated.

The duration of the encroachment must not exceed 12 months.

9. A use allowed under this Division includes the transportation, to the location where the work is to be carried out, of the persons and material necessary for the carrying out of the work.

DIVISION II

USE FOR PURPOSES OTHER THAN MUNICIPAL OR PUBLIC UTILITY PURPOSES

10. For the purposes of section 26 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the following uses are allowed, without the authorization of the commission, in the cases and circumstances provided for in this Division:

(1) a use ancillary to an acericultural operation or an equestrian centre;

(2) a farm tourism-related use;

(3) a secondary use in a residence or a multigenerational dwelling in a residence;

(4) land improvements promoting the practice of agriculture.

§I. USE ANCILLARY TO AN ACERICULTURAL OPERATION OR AN EQUESTRIAN CENTRE

11. Horse riding, horse-riding lessons and the development and use of trails for those purposes are allowed where they are ancillary to the activities of an equestrian centre operated by a producer.

12. The ancillary use by a producer, as a rest area, of a portion of a sugar shack of the producer's acericultural operation is allowed from January to May in the following circumstances:

(1) the rest area is part of the production building and is smaller than the production area;

(2) the rest area is separate from the production area;

(3) in the case of an acericultural operation that has less than 5,000 tapholes, its area does not exceed 20 m² and has no division, except for the space reserved for the toilet;

(4) in the case of an acericultural operation that has between 5,000 and 19,999 tapholes, its total floor area does not exceed 40 m²;

(5) in the case of an acericultural operation that has 20,000 tapholes or more, its total floor area does not exceed 80 m².

§II. FARM TOURISM-RELATED USE

13. The following farm tourism activities carried out by a producer on the producer's agricultural operation are allowed:

(1) meal service at the farm;

(2) the development and use of spaces for the parking of the clients' autonomous recreational vehicles;

(3) guided visits at the farm as part of farm tourism activities.

14. Meal service at the farm is allowed in the following circumstances:

(1) dishes offered on the menu are mainly composed of products of the farm;

(2) the space reserved for the service includes a maximum of 20 seats;

(3) the use of the immovable for farm tourism would not subject the installation of a new breeding unit or the increase of the activities of an existing breeding unit to a separation distance requirement related to odours.

15. The development and use of spaces for the parking of the clients' autonomous recreational vehicles are allowed in the following circumstances:

(1) the development and use is for a maximum of 5 spaces occupying a maximum area of 1,000 m² situated at less than 100 metres from the producer's residence;

(2) a vehicle may park for a maximum of 24 hours;

(3) the spaces offer no additional services, such as electricity, running water, sewer or rest or play areas.

16. Guided visits at the farm as part of farm tourism activities are allowed where they do not require the use of a space, building, vehicle or equipment other than those usually used as part of the farm operation, except a parking space occupying a maximum area of 1,000 m² and that is situated less than 100 metres from the producer's residence and temporary sanitary facilities.

**§III. SECONDARY USE IN A RESIDENCE
OR A MULTIGENERATIONAL DWELLING
IN A RESIDENCE**

17. The following secondary uses are allowed in a residence:

(1) use of an office for commercial purposes or the exercise of a profession;

(2) operation of a bed and breakfast establishment;

(3) use of a multigenerational dwelling in a residence.

18. The use of an office for commercial purposes or the exercise of a profession in a residence is allowed in the following circumstances:

(1) the user is a resident;

(2) the activity is carried out in a room of the residence reserved for that purpose;

(3) the activity is performed entirely in the residence and does not involve the use of outdoor space;

(4) the activity does not involve the accommodation of clients;

(5) the use of the immovable for that purpose would not subject the installation of a new breeding unit or the increase of the activities of an existing breeding unit to a separation distance requirement related to odours more stringent than the requirement for a dwelling.

19. The use of a residence as a bed and breakfast establishment is allowed provided that the use does not subject the installation of a new breeding unit or the increase of the activities of an existing breeding unit to a separation distance requirement related to odours more stringent than the requirement for a dwelling.

A "bed and breakfast establishment" means an establishment that offers, for an all-inclusive price, accommodation in rooms in a private residence where the operator resides and rents a maximum of 5 rooms receiving a maximum of 15 persons, including only breakfast served on the premises.

20. The use of a multigenerational dwelling in a residence is allowed in the following circumstances:

(1) it has the same civic address as the principal dwelling;

(2) it shares the same access to the network of public electricity, water and sewer services with the principal dwelling;

(3) it is linked to the principal dwelling so as to communicate from the inside.

**§IV. LAND IMPROVEMENTS PROMOTING
THE PRACTICE OF AGRICULTURE**

21. Filling, clearing and raising work is allowed in an agricultural zone, without the authorization of the commission, where it is carried out for a producer and promotes the practice of agriculture, in the following circumstances:

(1) the work covers a maximum area of 2 hectares;

(2) the work is carried out on the recommendation of an agronomist;

(3) the layer of topsoil must be removed at the beginning of the work and be set aside to be reused during restoration.

The work must be carried out and the site must be completely restored not later than 6 months after the beginning of the work.

The work may be carried out without the authorization of the commission only once per lot.

22. Filling may be carried out only where its purpose is to eliminate a land depression to improve cultivation conditions or to allow better drainage.

Filling materials must be free of any matter likely to affect cultivation of the soil.

23. Clearing work may be carried out only where its purpose is to eliminate a land raising to improve cultivation conditions.

24. Raising work may be carried out where its purpose is to improve cultivation conditions or allow a better drainage and provided that the raising does not exceed 50 centimetres.

The raising materials must be free of any matter likely to affect cultivation of the soil.

CHAPTER III OTHER MEASURES

25. The commission may, after having consulted the regional county municipality concerned, draw up a new plan of the agricultural zone in its territory that reproduces in a more precise manner the boundaries of the agricultural zone determined by the agricultural zone plan approved by the Government under section 50 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

To draw up the plan, the commission refers to the plan approved by the Government under section 50 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and the technical description accompanying it. It also takes into account clarifications made to the cadastre in Québec under the Act to promote the reform of the cadastre in Québec (chapter R-3.1).

The commission sends to the local municipality concerned and to the registrar, for publicity purposes, a certified true copy of the new plan to replace the former plan.

CHAPTER IV FINAL

26. 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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