

Gouvernement du Québec

O.C. 1194-2018, 15 August 2018

Funeral Operations Act
(2016, chapter 1)

Regulation

Regulation respecting the application of the Funeral Operations Act

WHEREAS the Funeral Operations Act (2016, chapter 1) was assented to on 17 February 2016;

WHEREAS sections 7, 11, 16, 21, 33, 36, 38, 46, 48, 61, 63, 65, 69, 70, 79, 81, 82, 88 and 97 of the Act provide that the Government may make regulations for its application;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the application of the Funeral Operations Act was published in Part 2 of the *Gazette officielle du Québec* of 9 May 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the application of the Funeral Operations Act, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the application of the Funeral Operations Act

Funeral Operations Act
(2016, chapter 1, ss. 7, 11, 16, 21, 33, 36, 38, 46, 48, 61, 63, 65, 69, 70, 79, 81, 82, 88 and 97)

CHAPTER I

FUNERAL SERVICES BUSINESS LICENCE
AND EMBALMER'S LICENCE

DIVISION I

FUNERAL SERVICES BUSINESS LICENCE

§1. Qualifications of an applicant

1. A funeral services business licence may only be issued to a person who

(1) operates at least 1 embalming room, crematorium or room permanently set up for the viewing of bodies or human ashes;

(2) has a liability insurance contract for at least \$1,000,000 per claim that complies with the requirements prescribed by section 2; and

(3) has not had the licence revoked in the 5 years preceding the application.

Where the applicant is a natural person, the person must be 18 years of age or over.

2. The liability insurance contract of a funeral services business licensee must

(1) cover in particular the liability of the licensee for damages attributable to a fault or negligence committed in the operation of the funeral services business; and

(2) include a provision requiring the insurer to notify the Minister within 10 working days following the termination, cancellation or modification of the liability insurance contract reducing coverage below \$1,000,000.

3. A funeral services business licensee must keep in force the liability insurance contract during the term of the licence.

In the event that, during the term of a licence, the liability insurance contract no longer meets the requirement of paragraph 2 of section 1 and section 2, the licensee may not continue operations before the licensee enters into a new liability insurance contract meeting the requirements prescribed by this Regulation.

§2. Licence application

4. Every funeral services business licence application must be made in writing using the form prescribed by the Minister and must contain the following information and documents:

(1) if the licence is in the name of a natural person, the name, sex and date of birth of the applicant or, in other cases, the corporate name and Québec business number of the business concerned;

(2) the contact information of the applicant;

(3) the address of each funeral facility of the business associated with the funeral operations to be carried out therein;

(4) proof of the liability insurance required under section 2;

(5) in the case of a legal person or other partnership, a resolution of the board of directors or the internal management board, as the case may be, authorizing the filing of the licence application and designating the funeral services director;

(6) in the case of an application for the operation of a crematorium, a copy of the authorization issued in accordance with section 22 of the Environment Quality Act (chapter Q-2);

(7) the name, sex and date of birth of the person who will act as funeral services director.

Every application of the modification of a licence must also contain

(1) a description of the modifications sought; and

(2) the reasons justifying the modifications.

5. Every application for the modification or renewal of a licence must be made in writing using the form prescribed by the Minister and must contain the information and documents provided for in section 4.

Information and documents previously provided to the Minister need not be re-filed if the applicant attests to their accuracy.

6. The annual fees exigible for the issue or renewal of a funeral services business licence are \$525 for each funeral facility operated by a funeral services business.

The fees, non-refundable, are payable on the anniversary date of the issue or renewal of the licence.

7. The fees exigible to modify a licence to add funeral facilities are the same as those provided for in section 6 and are not calculated proportionately to the remaining period before the expiry of the licence.

§3. Documents to be kept by a licensee

8. A funeral services business licensee must keep the following documents for 5 years:

(1) contracts entered into with subcontractors for the provision of funeral services and for the transportation and preservation of bodies, where applicable;

(2) with respect to each body:

(a) a copy of the attestation of death, except in the case of a non-living product of conception, or a copy of the coroner's authorization to dispose of the body;

(b) a copy of the document specifying, where applicable, that the body presents a public health hazard;

(c) a copy of the coroner's authorization in a case referred to in section 126.

§4. Qualifications of a funeral services director

9. A funeral services director appointed by a funeral services business must have the following qualifications and

(1) be 18 years of age or over;

(2) be domiciled in Québec;

(3) not have been found guilty of an indictable offence or other offence relating to funeral operations and not have been found guilty of an offence under the Funeral Operations Act (2016, chapter 1) or its regulations in the last 5 years, unless a pardon has been obtained; and

(4) at the time of the appointment, have shown a sufficient knowledge of the Québec legal framework applicable to the funeral sector in one of the following manners:

(a) by being a licensed embalmer;

(b) by having been a funeral services director during the 12 preceding months;

(c) by the successful completion of a written examination in the last 5 years.

10. A natural person may be appointed funeral services director despite paragraph 4 of section 9 if, on 31 December 2018, the person held a valid funeral director licence issued by the Minister under section 33 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2), for as long as the person acts for and in the name of the funeral services business for which the person acted on 31 December 2018.

11. A funeral services director may be called upon to show a sufficient knowledge of the Québec legal framework applicable to the funeral sector by an examination where the Minister has reasonable grounds to believe that the director does not have or no longer has the knowledge necessary to carry out operations.

DIVISION II EMBALMER'S LICENCE

§1. *Qualifications of the applicant*

12. An embalmer's licence may only be issued to a natural person who

- (1) is 18 years of age or over;
- (2) is domiciled in Canada;
- (3) holds a college diploma in embalming techniques from an educational institution recognized by the Minister of Education and Higher Education, a diploma of the Institut de Thanatologie du Québec, created under section 10 of the Québec funeral directors and embalmers Act (S.Q. 1960-61, chapter 152), or an accreditation or licence to carry on embalming operations in another province or a territory of Canada; and
- (4) did not have his or her licence revoked in the 5 years preceding the application.

In addition, to obtain a first embalmer's licence, the holder of an accreditation or licence allowing the holder to practise such activities in another province of a territory of Canada must show through a written examination sufficient knowledge of the Québec legal framework applicable to embalming.

A person who was not a licensed embalmer in the 5 years preceding the person's application, except in the case of a person having obtained a diploma of college studies in embalming technique within that period, must also show through a written examination sufficient knowledge of the Québec legal framework applicable to embalming.

13. A natural person may obtain an embalmer's licence despite subparagraph 3 of the first paragraph of section 12 if, on 31 December 2018, the person held a valid embalmer's licence issued by the Minister under section 32 of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2) and section 103 of the Regulation respecting the application of the Act respecting medical laboratories, organ and tissue conservation and the disposal of human bodies (chapter L-0.2, r. 1), as they read on that date.

14. A licensed embalmer may be called upon to show through a written examination sufficient knowledge of the Québec legal framework applicable to embalming where the Minister has reasonable grounds to believe that the licensed embalmer does not have or no longer has the knowledge necessary for embalming.

§2 *Licence application*

15. Every application for an embalmer's licence must be made in writing using the form prescribed by the Minister and must contain

- (1) the name, contact information, date of birth and sex of the applicant;
- (2) the name and contact information of the funeral services businesses for which the applicant's services are required;
- (3) the number of embalming performed by the applicant since the beginning of the calendar year, where applicable; and
- (4) an attestation that the applicant obtained a diploma of college studies in embalming techniques, where applicable.

An applicant who has an accreditation or licence for embalming issued by another province or a territory of Canada must provide, in replacement of the document referred to in subparagraph 4 of the first paragraph,

- (1) a true copy of the accreditation or licence issued by the regulatory body of the province or territory of origin; and
- (2) a certificate, letter or other proof, issued by the regulatory body of the province or territory of origin where the applicant is accredited, confirming that the recognition is in good standing at that place.

16. Every application for the issue or renewal of a licence must be made in writing using the form prescribed by the Minister and contain the information and documents provided for in section 15.

Documents previously provided to the Minister need not be re-filed if the applicant attests to their accuracy.

17. The fees, non-refundable, exigible for the issue or renewal of an embalmer's licence are \$209.

CHAPTER II CONTINUING EDUCATION

DIVISION I CONTINUING EDUCATION REQUIREMENT

18. Licensed embalmers and funeral services directors must, unless exempted under Division III of this Chapter, devote at least 9 hours of continuing education per 3-year reference period.

The first reference period begins on 1 January 2020.

A person who exercises the functions of funeral services director while being a licensed embalmer must comply with the number of hours provided for in the first paragraph and not double that number.

19. The training recognized for calculating the continuing education hours required under this Regulation is the training that meets the following conditions:

(1) it is offered by an educational institution recognized by the Minister of Education and Higher Education, by an organization, a person or a partnership recognized by the Minister of Health and Social Services or as part of a symposium, convention, conference or seminar organized by them;

(2) its content is recognized by the Minister of Health and Social Services.

20. The Minister may, if the Minister considers that a change or deficiency affecting funeral operations justifies it, impose to all licensed embalmers, funeral services directors or some of them specific training. For that purpose, the Minister

(1) sets the duration of the training and the prescribed time to undergo the training; and

(2) determines the object and form of the training and the providers qualified to offer the training.

The hours devoted to that specific training are taken into consideration in the calculation of continuing education hours required under this Regulation.

DIVISION II CONTROL METHODS AND PENALTIES

21. Licensed embalmers and funeral services directors must provide a continuing education declaration, not later than 90 days after the end of the reference period, using the form prescribed by the Minister. The declaration must contain the training activities taken, the dates on which they were offered, the information on the providers and the number of hours completed.

22. The Minister may require any document or information allowing to verify that the licensed embalmer or the funeral services director met the continuing education requirements.

23. The Minister sends to the licensed embalmer or the funeral services director who has not met continuing education requirements, a notice indicating the requirements that were not met and informing the embalmer or director that he or she has 45 days from the date on which the notice is received to remedy the situation.

The hours of continuing education accumulated following that failure may only be recorded for the year of the reference period concerned by the failure.

24. The Minister sends to the licensed embalmer or the funeral services director who has not remedied the failure specified in the notice sent under section 23 a final notice informing the embalmer or director that he or she has an additional period of 15 days following the date on which the notice to remedy the failure is received and the sanction to which the embalmer or director is subject if the failure is not remedied.

25. Where a licensed embalmer has not remedied the failure specified in the notice sent under section 24, the Minister suspends the embalmer's licence. The Minister so notifies the licensee in writing.

26. Where a funeral services director has not remedied the failure specified in the notice sent under section 24, the Minister sends a written notice to the funeral services business employing the director to require the designation, within 10 days after the reception of the notice, of a new funeral services director, failing which the funeral services business licence will be suspended.

27. Licensed embalmers or funeral services directors must keep supporting documents allowing the Minister to verify that they meet the continuing education requirements or have been exempted at least 3 years as of the end of the reference period to which they refer.

DIVISION III EXEMPTIONS

28. Despite section 18, a licensed embalmer or a funeral services director may apply for an exemption from the continuing education hours if the embalmer or director

(1) has obtained an embalmer's licence or has been appointed funeral services director after the beginning of a reference period;

(2) is on maternity or paternity leave or parental leave within the meaning of the Act respecting labour standards (chapter N-1.1); or

(3) is unable to attend a continuing education activity because of a serious extended illness or other exceptional circumstances.

The embalmer or the director may apply for an exemption by sending to the Minister a written application specifying the reasons for the application and any supporting document.

The Minister sends the decision to the embalmer or the director within 60 days following the date on which the application is received.

The requirement set out in section 18 may be reduced to 15 minutes for each month during which the embalmer or the director is unable to carry out the operations.

As soon as the impossibility ceases, the embalmer or the director must so notify the Minister in writing.

CHAPTER III REGISTERS

DIVISION I FUNERAL OPERATIONS REGISTER

§1. *General*

29. Funeral services businesses must keep a funeral operations register including, with respect to each body, a general portion and one or more specific portions.

Where a business takes charge of a body, the business completes the general portion and all the specific portions of the register applying to the funeral operations carried

out with respect to the body. The business attaches to the register copies of the specific portions that are given, where applicable.

Where a funeral services business provides services to another funeral services business, that business completes the general portion and the specific portions applicable to the services offered and gives a copy to the business who takes charge of the body.

30. The information contained in the register must be kept for at least 5 years from the end of the provision of services.

31. If the funeral services business ceases operations, it must give its funeral operations register to another funeral services business.

The funeral services business must so inform the Minister and provide the Minister with a copy on request.

§2. *Content*

32. The general portion of the register must contain

(1) the name, address and licence number of the funeral services business responsible for the register;

(2) the name, sex, date of birth and the date and time of death of the deceased person;

(3) the number of the attestation of death or the coroner's record number indicated in the authorization to dispose of the body.

33. The specific portion related to the transportation for the initial taking in charge of the body must contain

(1) the place, date and time of taking in charge of the body;

(2) the name of the person that carried out the transportation; and

(3) if transportation is carried out by a transportation services provider, the name of the business responsible for the transportation.

34. The specific portion related to embalming must contain and include

(1) the date and times at which embalming began and ended; and

(2) the name, licence number and signature of the licensed embalmer who performed the embalming.

35. The specific portion related to cremation must contain

- (1) the date, times at which the process began and ended and the type of cremation performed;
- (2) the sequential number of the tag identifying the ashes; and
- (3) the name of the person who performed the cremation.

36. The specific portion related to the presentation and viewing of the body must contain

- (1) the date and duration of each period of presentation or viewing; and
- (2) the place of the presentation or viewing.

37. The specific portion related to the disposal of the body or ashes must contain,

- (1) in the case of interment, the name and address of the cemetery and the date of interment;
- (2) if the body is sent outside Québec, the destination and date of transfer;
- (3) in the case of cremation and the ashes are handed over to a person, the name of that person and the date on which they were handed over; and
- (4) in the case of cremation and the ashes are placed in a cemetery or a columbarium, the name and address of the cemetery or columbarium, and the date on which they were placed therein.

38. Where one of the funeral operations provided for in sections 33 to 36 is carried out by or for another funeral services business, the register must contain, in the specific portion concerned, the name and licence number of the funeral services business through which or for which the operation was carried out, as the case may be.

DIVISION II BURIAL REGISTER

39. The burial register must contain

- (1) the name and address of the cemetery or columbarium operator and, where applicable, the funeral services business licence number;
- (2) the name, sex, date of birth and date of death of the deceased person;

(3) the date and lot number where the body was interred or, where applicable, the number of the niche where the ashes were placed; and

(4) the indication that it is an unclaimed body, where applicable.

40. Where a body is temporarily placed in the public vault of a cemetery, the burial register must contain the date of the placement in the public vault and the date of interment.

41. Where ashes kept in a container are moved or where a body is disinterred, the burial register must so specify and indicate the destination.

42. The cemetery or columbarium operator may not dispose of or destroy the burial register under his or her responsibility.

43. If the operations cease, the cemetery or columbarium operator must hand over the burial register to the operator taking charge of the operations.

44. Where a columbarium operator or a funeral services business wishes to dispose of ashes abandoned in accordance with section 52 of the Act, the information related to the ashes, recorded in the burial register, must be provided to the operator taking charge of the ashes.

DIVISION III UNCLAIMED BODY REGISTER HELD BY THE MINISTER

45. The unclaimed body register held by the Minister must contain

- (1) the name, sex, date of birth, and the place, date and time of death of the deceased person;
- (2) the number of the attestation of death or the coroner's record number indicated on the authorization to dispose of the body;
- (3) the reason for which the body has been declared unclaimed;
- (4) if a police force searched to find a relative of the deceased person, the name of the police force and the record number;
- (5) if a relative declared that he or she does not intend to claim the body, the name of the relative and the date of declaration;

(6) if the body has been donated to an educational institution, the name and address of the institution and the date of taking charge of the body by the institution;

(7) if the body has been handed over to a funeral services business, the name and licence number of the business and the date of taking charge of the body by the business; and

(8) if the body has been claimed by a third person, the name of that person and the date of taking charge of the body by that person.

DIVISION IV **REGISTER OF UNCLAIMED BODIES HELD BY** **AN EDUCATIONAL INSTITUTION**

46. The register of unclaimed bodies held by an educational institution must contain

(1) the name, sex, date of birth and date of death of the deceased person;

(2) the date and time of taking charge of the unclaimed body and the number of the attestation of death;

(3) the method for the disposal of the body, namely by cremation or by interment;

(4) if the body is taken in charge by a funeral services business for disposal, the name and licence number of the funeral services business and the date of taking charge of the body by the business; and

(5) if the body is taken in charge by a cemetery operator for disposal, the operator's name and the date of taking charge of the body by the operator.

47. An educational institution may not dispose of or destroy the register of unclaimed bodies under its responsibility.

48. At the Minister's request, the educational institution must send to the Minister a copy of its register.

CHAPTER IV **STANDARDS AND PRACTICE CONDITIONS** **APPLICABLE TO CERTAIN FUNERAL** **OPERATIONS**

DIVISION I **GENERAL**

49. The facilities and other rooms of a funeral services business must be in good condition and kept spotlessly clean. The same applies to the equipment therein and

the instruments used for funeral operations, including those used in the handling, preparation and preservation of bodies.

Everything that came in contact with the body must be washed and disinfected after each use with a disinfectant recognized in the practices established and determined based on the situation.

50. To prevent any unauthorized access, a funeral services business licensee must control access to the facilities not intended to receive the public and to rooms used for the preservation of bodies.

51. Before proceeding with any operation with respect to a body, a funeral services business licensee must ensure the identity of the body. To that end, the body must have an identification tag that must permanently remain on the body.

52. Every person carrying out any operation on the body, including transportation, must not produce any anatomical biomedical waste and must take the measures necessary to prevent propagation of infection and avoid contamination of the immediate environment by the discharge of body fluids or embalming products.

53. Every person handling a body must apply the appropriate preventive measures to protect public health.

54. Electromagnetic stimulators must be removed from a body by a licensed embalmer before proceeding with embalming, interment or cremation, unless the stimulators have been subjected to tests for which the manufacturer ensures the safety with respect to explosion or contamination risks.

Every electromagnetic stimulator removed from a body must be disposed of in the same manner as non anatomic biomedical waste in accordance with the provisions that apply.

DIVISION II **EMBALMING**

§1. Hygiene and protection standards

55. A licensed embalmer and the staff assisting the embalmer must adopt basic practices in prevention of chemical, biological and radiological risks. Where a special situation requires it, additional precautions must be put in place.

56. Embalming must be performed using a product designed for that purpose and recognized in the practices established in embalming.

57. If organs or any other part of the human body must be removed from the body during embalming, they must be placed in an impervious container and then replaced in the body. Any part of the human body that cannot be replaced in the body must be placed in an impervious container and follow the body.

58. Blood and other biological liquids from the body must be discharged into a sewer system.

The same applies to waste water resulting from embalming operations.

§2. Conditions in which embalming must be performed

59. Where the condition of the body allows and the deceased person did not carry any of the diseases and infections listed in Schedule I, Creutzfeldt-Jakob disease or any other prion disease, embalming may be performed on the body.

60. No embalming may be performed before the attestation of death has been drawn up and 6 hours have elapsed since the declaration of death.

61. Funeral services businesses must ensure that a licensed embalmer has access to the documents or information related to the causes of death.

62. Licensed embalmers and the staff assisting them must perform their work in private, and with due care and attention required to prevent any danger of contamination. They must avoid mutilating the body of a deceased person and must not uselessly impair the person's physical integrity.

To perform their work, they must have at their disposal the necessary equipment and protective clothing recognized in the established practices for embalming.

§3. Layout, equipment and hygiene standards applicable to embalming rooms

63. Every embalming room must have at least 13 square metres of floor space per embalming table and must be isolated by walls or rigid partitions.

64. The interior of embalming rooms must not be visible from the outside where operations are performed therein.

65. Wall coverings, floors and furniture of embalming rooms must be made of non-porous materials easy to clean and disinfect.

The ceiling of embalming rooms must be made of washable or easily replaceable materials.

66. Embalming rooms must have a minimum general light intensity of 500 lux.

67. Embalming rooms must be mechanically ventilated and designed to control the various contaminants and odours present in the air.

68. Embalming rooms must include

(1) 1 faucet supplied with hot and cold water, under pressure and in a quantity sufficient for the operations performed therein and for cleaning the room;

(2) at least 1 floor drain for discharging waste water;

(3) at least 1 embalming table that has a non-porous surface easy to wash and disinfect;

(4) 1 eyewash station; and

(5) cabinets or chests for storing all the embalming material, instruments and products.

Where the room is equipped with a hydro-aspirator, the latter must have its own faucet.

69. In an embalming room, each embalming table must have

(1) 1 independent water faucet;

(2) 1 sink with a non-porous surface easy to wash and disinfect the size of which allows the cleaning of the instruments and allows operations, and supplied with hot and cold water.

70. Every hydro-aspirator or pump used to pump secretions and human biological liquids may not be used for other purposes.

71. Embalming rooms must only be used for embalming or the washing of bodies in the context of a funeral rite or practice.

72. After each use of embalming rooms, the material, instruments and surfaces must be washed and disinfected with an antiseptic solution recognized in established practices.

73. Embalming rooms must be fitted with equipment used for their cleaning. In addition to being accessible and usable at all times, the equipment must only be used for cleaning those rooms.

DIVISION III
PRESENTATION AND VIEWING OF BODIES
OR ASHES

§1. Hygiene and protection standards

74. To decide if it is possible to allow the presentation or viewing of a body, with or without the possibility of physical contact between the body and the public, a funeral services business must take into consideration

- (1) the condition of the body;
- (2) the cause of death and the preparation of the body; and
- (3) public health hazard.

75. For the presentation or viewing of a body, the body must be clothed or covered with a sheet leaving only the face and hands uncovered.

76. The casket in which a body is placed for a presentation or viewing must be rigid to ensure safe handling. The funeral services business must take the necessary measures to prevent any discharge of blood or other biological liquids.

§2. Conditions related to the presentation and viewing of unembalmed bodies

77. An unembalmed body may only be presented or a viewing be held in accordance with the terms of this subdivision.

78. In the first 24 hours after death, an unembalmed body may be presented or a viewing be held provided that the eyes and mouth are closed.

Where physical contact with the body is possible, a licensed embalmer must disinfect the body, and the wounds and lesions must be covered with waterproof fabric.

79. More than 24 hours but less than 48 hours after death, an unembalmed body may only be presented or a viewing be held provided that the body has been kept at a temperature of 4°C or less for a period of at least 3 hours and that the eyes and mouth are closed.

During that period, the funeral services business may present the body or hold a viewing of the body, taken directly from the refrigerated space, for 2 maximum periods of 3 hours. Those 2 periods must be interrupted by 1 period of at least 3 hours of refrigeration of the body at a temperature of 4°C or less.

Where physical contact with the body is possible, a licensed embalmer must disinfect the body, and the wounds and lesions must be covered with waterproof fabric.

80. More than 48 hours after death, an unembalmed body may not be presented or a viewing may not be held, except in the following cases:

(1) within a maximum period of 30 days after death, that body, kept at a temperature of 4°C or less, and placed in an impervious container itself placed in a closed casket, may be placed, after removal from the refrigerated space, in the presence of the public for a period of not more than 3 hours;

(2) for a maximum duration of 30 minutes before embalming or cremation and only for the purpose of identifying the body, where no physical contact with the body is possible.

§3. Conditions related to the presentation and viewing of embalmed bodies

81. An embalmed body may only be presented or a viewing be held in accordance with the terms of this subdivision.

82. A body embalmed using a preservative containing formaldehyde, or other equivalent product having the same preservation properties, may be presented or a viewing be held within a maximum period of 7 days after embalming.

Where embalming was performed using a disinfectant without a preservative agent, the period is 7 days after death.

83. A body embalmed using a preservative and kept at a temperature of 4°C or less may, up to the thirtieth day after death, be presented or a viewing be held for a maximum period of 3 consecutive days.

84. More than 30 days after death and not more than 60 days after death, a body embalmed using a preservative and kept at a temperature of 4°C or less and placed in a closed casket may not be presented or a viewing may not be held, but the body may be placed, after removal from the refrigerated space, in the presence of the public for a period of not more than 3 hours.

More than 7 days after death and not more than 60 days after death, the same applies to a body embalmed using a disinfectant without a preservative agent and kept at a temperature of 4°C or less where the body is placed in an impervious container.

§4. Standards for rental caskets and conditions for their use

85. The part of a rental casket that is in contact with the body must be made of an interchangeable material. The surfaces and fabric in contact with the body must be completely replaced and disposed of adequately after each use.

86. Measures must be taken to prevent discharges in the part of the casket that is not interchangeable.

87. The internal and external walls of the casket must be washed after each use.

88. The casket must be kept in good condition. Where the casket is damaged or soiled in an unrecoverable manner, the funeral services business must dispose of it.

DIVISION IV
PRESERVATION OF BODIES

§1. Hygiene and protection standards

89. The preservation of a body must be performed in a manner that allows the collection of body fluids or embalming products and the prevention of contamination of the immediate environment by discharges.

90. Bodies must be placed on storage surfaces that have non-porous surfaces easy to clean and disinfect or in a casket.

§2. Standards for the preservation of unembalmed bodies

91. Twenty-four hours after death, an unembalmed body must be kept at a temperature of 4°C or less.

92. An unembalmed body kept at a temperature of 4°C or less must, not later than 48 hours after death, be placed in an impervious container.

Not later than 60 days after death, such a body must be kept at a temperature of 0°C or less.

§3. Standards for the preservation of embalmed bodies

93. Not later than 7 days after embalming was performed using a preservative, a body must be kept at a temperature of 4°C or less.

Not later than 60 days after death, such a body must be kept at a temperature of 0°C or less.

94. Not later than 7 days after death, a body embalmed using a disinfectant without a preservative agent must be placed in an impervious container and kept at a temperature of 4°C or less.

Not later than 60 days after death, such a body must be kept at a temperature of 0°C or less.

§4. Standards for refrigerated spaces

95. Refrigerated spaces must be used exclusively for the preservation of bodies and the temporary storage of biomedical waste.

96. Refrigerated spaces must allow bodies to be kept at a temperature of 4°C or less.

97. The interior walls and storage surfaces of refrigerated spaces must be made of non-porous materials easy to clean and disinfect.

98. Storage surfaces must be washed and disinfected with an antiseptic solution after each use.

§5 Standards for public vaults

99. A body may only be placed in a public vault as of 1 November of one year to 14 May of the following year. Bodies placed in a public vault must be cremated or interred before 15 May.

100. Bodies placed in a public vault must be placed in a casket. They must be embalmed or preserved in an impervious container in order to collect liquids.

DIVISION V
CEMETERIES, COLUMBARIUMS AND MAUSOLEUMS

§1. Standards for cemeteries

101. An application to establish or change the size or use of a cemetery provided for in section 43 of the Act must be accompanied by a copy of the authorization issued under section 22 of the Environment Quality Act (chapter Q-2).

102. Ashes contained in a container may only be placed in the ground in a cemetery.

103. The premises and facilities forming a cemetery, including the rooms used for the preservation of bodies, must be kept in good condition and spotlessly clean.

§2. *Standards for columbariums*

104. Columbariums must be kept in good condition and spotlessly clean.

105. In columbariums, ashes placed in niches must be in a container.

106. A columbarium operator, a cemetery operator or a funeral services business that temporarily stores ashes kept in a container until they are placed in the ground or in niches of a columbarium or until they are handed over to the person authorized to dispose of them must be kept in a manner to ensure that the dignity of the deceased person is respected, in a clean and easily accessible place.

§3. *Standards for mausoleums*

107. Mausoleums must be kept in good condition and spotlessly clean.

DIVISION VI INTERMENT AND DISINTERMENT OF BODIES

§1. *General*

108. A person who proceeds with an interment or a disinterment must do so while avoiding damages to the other graves of the cemetery or other crypts of the mausoleum.

109. Except in the case of work to be performed in a cemetery, archaeological disinterment performed by the holder of an archaeological research permit issued under the Cultural Heritage Act (chapter P-9.002), are excluded from the application of the Act and this Regulation.

§2. *Standards and conditions for interment*

110. For every interment, the body must be placed in a casket to prevent discharges and allow safe handling of the body.

111. The casket containing the body placed in a grave must be covered by at least 1 metre of soil.

§3. *Standards and conditions for disinterment*

112. Disinterments must be made by a funeral services business or a cemetery operator.

113. If the casket used for the interment cannot adequately contain the human remains disinterred, all the remains must be placed in a container identifying the body.

DIVISION VII CREMATION OF BODIES

§1. *General*

114. No cremation may take place before the attestation of death has been drawn up and 6 hours have elapsed since the declaration of death.

115. Not more than 1 body may be cremated at a time in a cremation chamber.

116. Where all the ashes from the cremation of a body are placed in a single container, an identification tag on which the name of the business that carried out the cremation and the sequential number of the tag must be placed in the container.

If such ashes are placed in more than 1 container, the business must ensure that they can be associated with the business that carried out the cremation and the sequential number of the identification tag.

§2. *Hygiene and protection standards*

117. The cremation of a body must not produce any anatomic biomedical waste.

In addition, the cremation must be carried out in a manner that completely eliminates all organs and soft tissue, to the centre of bones and skull.

118. In the case of flame cremation, the body must be placed in a cremation container made of the appropriate combustible materials designed to support the weight of the body.

119. Bodies that have a probable diagnosis of Creutzfeldt Jakob disease or any other prion disease, active tuberculosis or any of the diseases and infections listed in Schedule I cannot be subject to alkaline hydrolysis cremation.

§3. *Layout and equipment standards for crematoriums*

120. Crematoriums must be laid out and operated to prevent any danger of contamination.

121. Crematoriums must include a space specifically laid out for handling ashes.

122. The equipment used for the cremation of bodies must be used only for that purpose.

DIVISION VIII TRANSPORTATION OF BODIES

§1. General

123. Transportation by stretcher and transportation of a body must be carried out using the equipment designed for that purpose, such as a stretcher, a casket or a spine board.

124. Where a body is in a road vehicle laid out for the transportation of bodies for non-ceremonial purposes, the body must never be left without supervision.

125. A body transported by public transportation must be placed in an impervious container. The person in charge of the transportation is responsible for

(1) ensuring that a copy of the attestation of death is affixed to the container containing the body; and

(2) controlling access to the container to prevent any unauthorized access to the body.

§2. Body entering or leaving Québec

126. Nobody other than a funeral services business authorized by a coroner may make arrangements for the transportation into Québec of the body of a person who died outside Québec or for the transportation of a body out of Québec.

The business that has obtained such authorization must seal the casket.

127. A funeral services business who applies for the authorization to transport out of Québec a disinterred body must file with the application a certified true copy of the order or judgment authorizing the disinterment of the body.

§3. Equipment, hygiene and protection standards for road vehicles laid out for the transportation of bodies

128. This subdivision does not apply to hearses used only to transport bodies for ceremonial purposes.

129. Road vehicles laid out to transport bodies must only be used for funeral operations.

130. Vehicles must be laid out so that it is not possible to see, from the exterior, the area where the body is placed and to allow the anchoring of the equipment used for the transportation of bodies. In addition, the floor of the vehicles must be non porous and easy to wash and disinfect.

Vehicles must be kept in good working condition, maintained regularly and kept clean.

131. The compartment in which the body is placed must be equipped with an air conditioning system that must be activated when the temperature exceeds 20°C inside that part of the vehicle.

132. Vehicles must contain stretcher transportation equipment designed for that purpose, leakproof sheets or opaque plastic shrouds, gloves and a disinfectant.

133. Before transporting with a stretcher and transporting an unembalmed body, the body's respiratory tract must be covered.

DIVISION IX WASHING OF A BODY IN THE CONTEXT OF A FUNERAL RITE OR PRACTICE

134. Where the condition of the body allows and the deceased person did not carry any of the diseases and infections listed in Schedule I, the washing of the body in the presence of relatives or close relations of the deceased person is allowed in the context of a funeral rite or practice.

135. The washing of a body in the context of a funeral rite or practice must be supervised by a funeral services business in a room laid out for that purpose or in an embalming room.

Where the washing is carried out in an embalming room, no embalming or washing of another body may be carried out at the same time.

136. Where a body is not embalmed, the washing in the context of a funeral rite or practice may only take place after a licensed embalmer has disinfected the body, closed the natural orifices with absorbent cotton soaked in disinfectant and covered the wounds and lesions with waterproof fabric. The licensed embalmer must be present to ensure preventive measures are complied with.

Such a body must be washed within a period of 48 hours after death.

137. After the washing of a body in the context of a funeral rite or practice, the material, instruments and surfaces used must be cleaned and disinfected with an antiseptic solution recognized in the established practice.

CHAPTER V BODY PRESENTING A PUBLIC HEALTH HAZARD

138. Where a deceased person carried any of the diseases and infections listed in Schedule I, a funeral services business may not take charge of, transport, handle, operate or dispose of the body without having first received the authorization and directives of the regional public health director.

The body may not be placed in a public vault and flame cremation or interment must be carried out as soon as possible according to the directives of the regional public health director.

CHAPTER VI MISCELLANEOUS

139. No person may take photographs or record the image of a body, except during the presentation or viewing, if the photograph or recording is taken or made by a relative or a person who obtained the consent of a relative. The licensed embalmer or the funeral services business licensee must however obtain written consent of a relative.

Dissemination of the images is prohibited, except if a relative has consented to it.

140. A columbarium operator or a funeral services business disposing of abandoned ashes in accordance with section 52 of the Act must identify the containers in which the ashes have been placed.

141. The funeral services business taking charge of a body that has been used for teaching or research by an educational institution must inter or proceed with the cremation of the body as soon as possible.

142. Where at least 60 days have elapsed since death, the Minister may authorize the cremation of the body while the body is waiting to be given the status of claimed or unclaimed.

The funeral services business must then keep in an easily accessible location the ashes placed in a container to ensure that the dignity of the deceased person is respected.

143. The costs reimbursed to a funeral services business by the Minister for the management of an unclaimed body are provided for in Schedule II.

The amount remitted to the funeral services business varies depending on the services rendered and the physical characteristics of the body.

144. The municipalities and territories exempted from the application of the Act and regulations thereunder are determined in Schedule III.

145. As of 1 January 2020, the costs provided for in sections 6 and 17 and in Schedule II are adjusted on 1 January of each year according to the percentage increase, in relation to the preceding year, in the Consumer Price Index for Canada published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19). For that purpose, the consumer price index for the year is the annual average calculated using the monthly indices for the 12 months ending on 30 September of the preceding year.

If the amounts thus obtained include a fraction of a dollar, the fraction is deleted. The amount is then rounded to the lower 10 dollars, where the last digit is lower than 5, or the higher 10 dollars, in other cases.

The Minister informs the public of the result of the adjustment made under this Division in Part 1 of the *Gazette officielle du Québec* or by any other appropriate means.

CHAPTER VII OFFENCES

146. Every person who contravenes any of sections 49 to 58, 60 to 76, 78 to 80, 82 to 100, 102 to 108, 110 to 118, 120 to 126, 129 to 133, 135 to 137 or 139 to 142 is guilty of an offence and is liable to a fine of \$500 to \$1,500 in the case of a natural person or a fine of \$1,500 to \$4,500 in other cases.

147. Every person who contravenes any of sections 59, 119, 134 and 138 is guilty of an offence and is liable to a fine of \$2,500 to \$12,500 in the case of a natural person or a fine of \$7,500 to \$37,500 in other cases.

CHAPTER VIII TRANSITIONAL AND FINAL

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

(1) sections 3, 8, 11, 14, 18 to 63, 69 to 95, 98 to 120, 122 to 129 and 132 to 147, which come into force on 1 January 2019; and

(2) paragraph 2 of section 2 which comes into force on 1 January 2021;

(3) sections 64 to 68, 96, 97, 121, 130 and 131, which come into force on 1 January 2022.

SCHEDULE I

(sections 59, 119, 134, and 138)

LIST OF DISEASES AND INFECTIONS
PRESENTING A PUBLIC HEALTH HAZARD

Cholera;

Middle East respiratory syndrome coronavirus
(MERS-CoV);Viral haemorrhagic fevers such as Marburg virus,
Ebola, Lassa fever and Crimean Congo fever;

Anthrax;

Plague;

Smallpox;

Any other disease resulting in a health emergency identified by the national public health director, including infectious agents associated to bioterrorism or cases of human influenza caused by a new virus subtype or a new strain with pandemic potential.

SCHEDULE II

(sections 143 and 145)

COSTS REIMBURSED TO A FUNERAL SERVICES
BUSINESS BY THE MINISTER FOR THE
MANAGEMENT OF UNCLAIMED BODIES

1. In the case of the body of a child under 1 year of age, the costs allocated for an unclaimed body are

- (1) \$141 for the taking charge and preservation;
- (2) \$180 for the preparation and disposal; and
- (3) \$20 as administrative costs.

In other cases, the costs are

- (1) \$240 for the taking charge and preservation;
- (2) \$340 for the preparation and disposal; and
- (3) \$20 as administrative costs.

2. Where the body is very tall or has an exceptional weight that requires special measures, the following additional amounts may be allocated:

- (1) \$51 where the services of an additional team must be retained for transportation by stretcher and the transportation of the body;

- (2) \$80 \$ for the use of the appropriate cremation container.

3. An additional amount may be allocated in exceptional situations for the transportation of a body outside the boundaries of a municipality. That amount is \$1.10 per kilometre travelled with the body in the vehicle.

SCHEDULE III

(section 144)

LIST OF EXEMPTED MUNICIPALITIES AND
TERRITORIES

Akulivik, 99125 and 99883

Aupaluk, 99105 and 99891

Baie-d'Hudson, 99904

Blanc-Sablon, 98005

Bonne-Espérance, 98010

Chisasibi, 99055 and 99814

Côte-Nord-du-Golfe-du-Saint-Laurent, 98015

Eastmain, 99045 and 99810

Fermont, 97035

Gros-Mécatina, 98014

Inukjuak, 99085 and 99879

Ivujivik, 99140 and 99885

Kangiqsualujuaq, 99090 and 99894

Kangiqsujuaq, 99130 and 99888

Kangirsuk, 99110 and 99890

Kiggaluk, 99875

Killiniq, 99896

Kuujuaq, 99095 and 99893

Kuujuarapik, 99075 and 99877

La Romaine, 98804

Nemaska, 99040 and 99808

Pakuashipi, 98802

Puvirnituc, 99120

Quaqtaq, 99115 and 99889

Rivière-Koksoak, 99902

Saint-Augustin, 98012

Salluit, 99135 and 99887

Tasiujaq, 99100 and 99892

Umiujaq, 99080 and 99878

Waskaganish, 99035 and 99806

Wemindji, 99050 and 99812

Whapmagoostui, 99070 and 99816

Other unorganized territories, 99910, 99914, 99916, 99918, 99920, 99922 and 99924

103677

Gouvernement du Québec

O.C. 1196-2018, 15 August 2018

An Act respecting the Ministère de la Santé et des Services sociaux
(chapter M-19.2)

Régie de l'assurance maladie du Québec —Ostomy Appliances Program

CONCERNING the Ostomy Appliances Program entrusted to the Régie de l'assurance maladie du Québec

WHEREAS, under paragraph (*h*) of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister shall promote the development and implementation of programs and services according to the needs of individuals, families and other groups;

WHEREAS, under the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Board is to administer and implement the programs of the health insurance plan instituted by the Health Insurance Act (chapter A-29) and any other program entrusted to it by law or by the Government;

WHEREAS under the fifteenth paragraph of section 3 of the Health Insurance Act, the Board also assumes the cost of services and goods provided under the programs it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec according to the terms and conditions provided for under those programs;

WHEREAS under the first paragraph of section 2.1. of the Act respecting the Régie de l'assurance maladie du Québec, the Board recovers, from the department or body concerned, the cost of services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program;

WHEREAS under Décret 1383-91 dated 9 October 1991, the Government entrusted the Board with the administration, the implementation and the payment of the cost of the Ostomy Appliances Program, in accordance with the provisions of an agreement concluded on 29 October 1991 between the Minister of Health and Social Services and the Board;

WHEREAS under Décret 430-96 dated 3 April 1996, the Government also entrusted the Board with the administration, the implementation and the payment of the excess purchase or replacement cost of appliances furnished to persons with a permanent ostomy who are recipients of income security, in accordance with the provisions of an agreement concluded on 16 April 1996 between the Minister of State for Employment and Social Solidarity and Minister of Income Security and the Board;

WHEREAS amendments to the Ostomy Appliances Program have become necessary;

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

THAT the Régie de l'assurance maladie du Québec be entrusted with the Ostomy Appliances Program, the text of which is attached to this Order in Council;

THAT this Order in Council replace Décret 1383-91 dated 9 October 1991 and Décret 430-96 dated 3 April 1996 as of the date on which the Program takes effect.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif
