

(b) the number, on the institution's permit, of the facility where services are provided to a user;

(c) the code of the health region from which the information originates;

(d) the date of transmission;

(e) the sequential number assigned to the transmission;

(f) the date on which the transmission period concerned begins and ends.”

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

104025

Gouvernement du Québec

O.C. 764-2019, 3 July 2019

Highway Safety Code
(chapter C-24.2)

An Act to ensure safety in guided land transport
(chapter S-3.3)

An Act respecting off-highway vehicles
(chapter V-1.2)

Exceptions to the prohibitions related to drug consumption and amending other regulatory provisions

Regulation respecting exceptions to the prohibitions related to drug consumption and amending other regulatory provisions

WHEREAS, under section 443 of the Highway Safety Code (chapter C-24.2), no occupant of a road vehicle may consume cannabis or other drugs, subject to the exceptions provided for by government regulation, in the vehicle;

WHEREAS, under section 489 of the Code, no person may consume cannabis or any other drug while riding a bicycle, subject to the exceptions provided for by government regulation;

WHEREAS, under section 24 of the Act respecting off-highway vehicles (chapter V-1.2), as replaced by section 65 of the Act to constitute the Société québécoise du

cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions (2018, chapter 19), no person is to consume cannabis or any other drug in or on an off-highway vehicle or in or on a sleigh or trailer towed by an off-highway vehicle, subject to the exceptions provided for by government regulation;

WHEREAS, under subparagraph 13 of the first paragraph of section 46 of the Act respecting off-highway vehicles, the Government may make regulations determining the obligations of the operator of an off-highway vehicle and those of passengers in or on such a vehicle, sleigh or trailer towed by an off-highway vehicle, and prohibiting certain behaviour or certain uses or practices in the area of use it indicates;

WHEREAS, under the first paragraph and subparagraph 9 of the second paragraph of section 50 of the Act to ensure safety in guided land transport (chapter S-3.3), the Government may, by regulation, adopt a safety code applicable to guided land transport systems that may contain safety standards concerning, in particular, the qualifications and skills required of the holder of a position that is critical to safe operations within a guided land transport system, as well as any other requirements the holder of a position must meet;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting exceptions to the prohibitions related to drug consumption and amending other regulatory provisions was published in Part 2 of the *Gazette officielle du Québec* of 27 February 2019 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 without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport:

THAT the Regulation respecting exceptions to the prohibitions related to drug consumption and amending other regulatory provisions, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting exceptions to the prohibitions related to drug consumption and amending other regulatory provisions

Highway Safety Code
(chapter C-24.2, ss. 443 and 489)

An Act to ensure safety in guided land transport
(chapter S-3.3, s. 50, 1st par. and 2nd par., subpar. 9)

An Act respecting off-highway vehicles
(chapter V-1.2, s. 24 and s. 46, 1st par., subpar. 13; 2018, chapter 19, s. 65)

REGULATION RESPECTING EXCEPTIONS TO THE PROHIBITIONS RELATED TO DRUG CONSUMPTION

DIVISION I INTERPRETATION

1. For the purposes of this Regulation, a reference to “to smoke” and “smoking” also applies to the use of a pipe, a bong, an electronic cigarette or any other device of that nature.

DIVISION II EXCEPTIONS FOR OCCUPANTS OF A ROAD VEHICLE

2. The occupant of a road vehicle who uses over-the-counter medication or medication prescribed by a professional authorized to do so is not subject to the prohibition on consuming a drug provided for in section 443 of the Highway Safety Code (chapter C-24.2).

With regard to cannabis prescribed for medical purposes, the exception provided for in the first paragraph applies only if the cannabis is not smoked and the occupant concerned is neither the driver nor a person having the care or control of a vehicle.

DIVISION III EXCEPTION FOR CYCLISTS

3. A cyclist who uses over-the-counter medication or medication, other than cannabis, prescribed by a professional authorized to do so is not subject to the prohibition on consuming a drug provided for in section 489 of the Highway Safety Code.

AMENDING REGULATION RESPECTING RAIL SAFETY

4. The Regulation respecting rail safety (chapter S-3.3, r. 2) is amended in section 13 by replacing “is under the influence of alcohol or narcotics” in both paragraphs by “is under the influence of alcohol, cannabis or any other drug”.

REGULATION RESPECTING OFF-HIGHWAY VEHICLES

5. The Regulation respecting off-highway vehicles (chapter V-1.2, r. 5) is amended by inserting the following in Division 2.1, before section 11.1:

“**11.01.** An occupant who uses over-the-counter medication or medication prescribed by a professional authorized to do so is not subject to the prohibition on consuming a drug provided for in section 24 of the Act.

With regard to cannabis prescribed for medical purposes, the exception provided for in the first paragraph applies only if the cannabis is not smoked and the occupant concerned is neither the driver nor a person having the care or control of an off-highway vehicle.

For the purposes of this Regulation, a reference to “to smoke” and “smoking” also applies to the use of a pipe, a bong, an electronic cigarette or any other device of that nature.”.

REGULATION RESPECTING ALL-TERRAIN VEHICLES

6. The Regulation respecting all-terrain vehicles (chapter V-1.2, r. 6) is amended by revoking section 14.

FINAL

7. 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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