

Draft Regulations

Draft Regulation

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Animals in captivity — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting animals in captivity, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting animals in captivity to improve protection against contagious diseases, in particular, those affecting large cervids. It provides for certain conditions for keeping, transporting and importing animals to reduce the risk of contamination, in particular, as regards the cleaning, equipment, layout and compliance of animal keeping facilities. It also amends the notion of keeper and the offences that may lead to penal proceedings.

The regulatory impact analysis shows that there may be a financial impact on certain enterprises that will have to modify their animal keeping facilities to comply with the stricter conditions.

Further information on the draft Regulation may be obtained by contacting Caïo Alcântara-Vasconcelos, Service des affaires législatives fauniques, Direction de la conservation des habitats, des affaires législatives et des territoires fauniques, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691, extension 7524; email: Caio.Alcantara-Vasconcelos@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Élise Paquette, Acting Associate Deputy Minister for Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC-120, Québec (Québec) G1S 4X4.

PIERRE DUFOUR
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting animals in captivity

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 69, 2nd par. and s. 162, pars. 7, 14, 16, 22 and 23)

1. The Regulation respecting animals in captivity (chapter C-61.1, r. 5.1) is amended in section 8 by inserting the following paragraph at the end:

“(4) using a net, a trebuchet or a crow trap designed to capture live birds.”.

2. Section 10 is amended by replacing “September” in the part preceding paragraph 1 by “August”.

3. Sections 12 and 15 are revoked.

4. Section 16 is replaced by the following:

“**16.** An animal is kept in captivity if its movements are generally limited or directed by a keeper inside or outside an animal keeping facility.

For the purposes of this Regulation, a keeper is

(1) any person who exercises control over the conditions in which the animal is kept;

(2) if the animal is kept by an enterprise, the legal person or the owner of the enterprise, as well as any director, any officer, any representative, any employee or any volunteer of the enterprise who, in the performance of duties, exercises control over the conditions in which the animal is kept;

(3) any person who entrusts the keeping of the animal to an enterprise or a person and maintains some control over the conditions in which the animal is kept.”.

5. Section 17 is amended by replacing “aux” in the French text by “à l’un des”, “52” by “51”, and “to 98 and 106 to 109” by “, 97 and 106 to 108”.

6. Section 19 is amended

(1) by replacing “Only sections 53 to 56, 62, 65 and 86 to 95 apply” at the beginning by “Part III does not apply”;

(2) by adding “, except sections 53 to 56, 61.1 to 62 and 86 to 94” at the end.

7. Section 20 is replaced by the following:

“**20.** Part III does not apply to an animal being moved in a transport cage, except sections 46 to 50, 53 to 56, 62, 63, 71, 72, 82 to 84, 86, 91 to 94, 99, 100, 110, 116, 117, 119, 120, 124 and 125.”

8. Section 22 is amended

(1) by replacing “109” in the part preceding subparagraph 1 of the first paragraph by “108”;

(2) by inserting the following after subparagraph *f* of subparagraph 1 of the first paragraph:

“(f.1) the animal is used as a live decoy.”;

(3) by inserting “, or if an animal is kept after seizure before it is confiscated” at the end of the second paragraph.

9. Section 26 is amended

(1) by inserting the following after the second paragraph:

“The water needs of an animal belonging to a species whose natural distribution range during winter is typically situated in an area where there are regular accumulations of snow may also be met by the availability of snow in the animal keeping facility if that snow is abundant, is mostly not compacted, and is not contaminated in particular by excrements, urine, litter or toxic substances.”;

(2) by striking out the last sentence of the third paragraph.

10. Section 28 is revoked.

11. Section 31 is amended by striking out “be laid out to” in the part preceding paragraph 1.

12. Section 45 is revoked.

13. Section 46 is amended

(1) in the first paragraph

(a) by striking out “health”;

(b) by replacing “when injured or sick” at the end by “when it has a health problem”;

(2) by adding the following paragraph at the end:

“When, despite the care provided, a physical health problem seriously compromises an animal’s welfare and prevents it from engaging in its species’ usual behaviour, the animal must be euthanized.”

14. The following is inserted after section 46:

“**46.1.** When an animal has a chronic or recurrent physical health problem related to the conditions in which it is kept, those conditions must be changed without delay.

46.2. An animal whose poor state of health may be aggravated by gestation or egg laying, or whose poor state of health prevents it from caring for its offspring after birth, must be kept in conditions that prevent it from reproducing.”

15. Section 52 is revoked.

16. Section 53 is amended

(1) by inserting “designed to prevent its escape” after “transport cage”;

(2) by striking out “and prevents its escape” at the end.

17. The following is inserted after section 61:

“**61.1.** An animal or a group of animals showing a poor general state of health or signs of emaciation must be kept in an animal keeping facility that makes it possible to easily follow the state of health of the animal(s) on a daily basis.

61.2. An animal or a group of animals who is/are contagious or suspected of being contagious must be isolated from the other animals to avoid contaminating them.”

18. Section 65 is revoked.

19. The following is inserted after the heading of Division I of Chapter III of Part III:

“**65.1.** A female mammal at the end of gestation must have access to a calm space suitable for delivery.

65.2. Following delivery, a female mammal must be kept in conditions conducive to the raising of the offspring, in particular by being isolated from the other animals if this is how that species usually behaves in its natural environment.”

20. Section 69 is amended by inserting “referred to in the first paragraph” after “animal” in the second paragraph.

21. Section 70 is revoked.

22. Subparagraph 2 of the last paragraph of section 75 is amended

(1) by inserting “delimited by the ellipse drawn from the end of the clearance length on the opposite side from the top of the perimeter element to the base of the perimeter element and” after “zone”;

(2) by inserting “earth” after “accumulations of” in subparagraph *c*;

(3) by striking out subparagraph *d*.

23. Section 81 is amended by inserting “, except for shift doors,” after “facility” in the second paragraph.

24. Section 83 is amended by adding the following paragraph at the end:

“During that period, animals belonging to the family hippopotamids (*Hippopotamidae*) or elephantids (*Elephantidae*) may also be identified by means of distinctive marks pointed out by the keeper using a photograph of the animal kept with the register of a holder of a licence to keep animals in captivity provided for in section 44 of the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 20.1.1).”.

25. Section 85 is revoked.

26. The following is inserted after section 90:

90.1. A large cervid may not be kept in captivity at a site for keeping animals if a portion of that site was part of a site where a large cervid suffering from the chronic wasting disease of cervids has been kept in the last 20 years.”.

27. Section 91 is replaced by the following:

“**91.** A large cervid may only be moved to a site for keeping animals located in Québec if the animal keeping facility of the original site complies with the following conditions:

(1) none of the large cervids kept in captivity at the site have been diagnosed with the chronic wasting disease of cervids in the last 20 years;

(2) there is no reasonable ground to believe that a large cervid kept at the site carries the disease; and

(3) the large cervids kept at the site have been analyzed in accordance with section 134.2 for at least 6 years;

(4) at least one of the following conditions is met:

(a) in the last 6 years, no large cervids kept in captivity within a 45-km radius of the site or large cervids living in the wild within a 100-km radius of the site have been diagnosed with the chronic wasting disease of cervids; or

(b) the perimeter elements of the site prevent any contact with cervids living in the wild;

(5) all large cervids introduced in the animal keeping facility in the 6 years preceding the move met the criteria in subparagraphs 1 to 4.

In the case of an imported large cervid, a certificate from a public servant from the competent institution of the original jurisdiction indicating that the conditions provided for in this section are met must be enclosed with the notice provided for in the first paragraph of section 13. If applicable, for the condition provided for in subparagraph 3 of the first paragraph to be met, the method and laboratory may also be approved by a competent authority of the original jurisdiction.”.

28. Sections 95, 98, 105, 109, 118 and 126 are revoked.

29. Section 127 is amended by inserting the following after subparagraph 2 of the first paragraph:

“(2.1) an animal that is set free as part of a program established under paragraph 2 of section 7 of the Act respecting threatened or vulnerable species (chapter E-12.01);”.

30. Section 128 is amended by inserting “referred to in the second paragraph” after “animal” in the third paragraph.

31. Section 130 is amended

(1) by striking out subparagraph 3 of the first paragraph;

(2) by adding the following after subparagraph 2 of the second paragraph:

“(3) the animal is kept in captivity to be rehabilitated.”.

32. Section 131 is amended by striking out “, injury or limiting congenital malformations” in subparagraph 2 of the first paragraph.

33. The following is inserted after section 134:

“**134.1.** A keeper who has reasonable grounds to believe that a large cervid will die in the coming days must take the necessary measures so that, if the death occurs, the samples referred to in section 134.2 can be sent for analysis before they deteriorate.

134.2. The head, obex or retropharyngeal lymph nodes of a dead large cervid that is more than 12 months old must be sent by the keeper or the person who killed or euthanized the large cervid, along with the animal’s individual identification number, to a laboratory approved by the Canadian Food Inspection Agency, according to a method approved by that agency, so that an analysis to detect the chronic wasting disease of cervids can be conducted.”

34. Section 135 is revoked.

35. The following is inserted after section 135:

“**PART IV.1**
PENAL

135.1. Every keeper who contravenes sections 25 to 27, 29, 31 to 44, 46 to 51, 53 to 55, the first paragraph of section 56, sections 57 to 61.2, the first and second paragraphs of section 62, sections 63, 64, 65.1 to 68, 72 to 84, 87 to 94, 96, 97, 101 to 104, 106 to 108, 111 to 117, 120 to 125 and 134.1, commits an offence and is liable to the fines provided for in section 171 or 171.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) if the offence is committed in respect of an animal from a threatened or vulnerable species.

Every keeper or every other person who contravenes sections 7 to 11, 13 and 14, the second paragraph of section 56, sections 69, 100, 127 to 134 and 134.2, commits an offence and is liable to the fines provided for in section 171 or 171.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1) if the offence is committed in respect of an animal from a threatened or vulnerable species.”

36. The following is inserted after section 138:

“**138.1.** For the purposes of subparagraph 3 of the first paragraph of section 91, large cervids moved from an original site located in Québec must have been analyzed in accordance with section 134.1 in the last 6 years or as of (insert the date of coming into force of this Regulation).

138.2. Until 15 September 2024, a large cervid from a site for keeping animals located in Québec may be moved to the site for keeping animals of a holder of a professional

licence to keep animals in a game ranch or a breeding farm issued under the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 20.1.1) in order to be killed there, even if the large cervid does not meet the conditions provided for in subparagraph 4 of the first paragraph of section 91, provided that the large cervid is from a herd certified by a voluntary chronic wasting disease herd certification program of the Canadian Food Inspection Agency.”

37. Schedule 3 is amended by inserting, in alphabetical order, “Asfvirus: African swine fever virus” under the heading “(4) Virus”.

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

105392

Draft Regulation

Environment Quality Act
(chapter Q-2)

Compensation for municipal services provided to recover and reclaim residual materials — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes the operators of transactional websites and vendors subject to the payment of a contribution for containers and packaging resulting from sales of products acquired outside Québec. It also specifies the contributions payable by an establishment supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments.

The draft Regulation introduces a new method for calculating the cost of the services provided by municipalities that are eligible for compensation for the years 2024 and following, and specifies the necessary modifications for the payment of contributions and the annual compensation owed to municipalities.