

## Regulations and other Acts

Gouvernement du Québec

### O.C. 737-2022, 4 May 2022

Building Act  
(chapter B-1.1)

#### Construction Code — Amendment

Regulation to amend the Construction Code

WHEREAS, under the first and second paragraphs of section 173 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec is to adopt by regulation a building code containing building standards for buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and also provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of a code of which the infringement is to constitute an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of persons, contractors, owner-builders, manufacturers of pressure installations, or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, and categories of buildings, pressure installations, facilities, installations or construction work;

WHEREAS, under paragraph 37 of section 185 of the Act, the Board may, by regulation, determine the provisions of a regulation adopted under section 185 of the Act, of which the infringement is to constitute an offence under paragraph 7 of section 194 of the Act, with the exception of provisions adopted under paragraphs 5.2, 18, 18.1, 20 and 36.1 and under paragraphs 16 and 17 with respect to fees payable;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt, generally, any other related or supplementary provision it considered necessary to give effect to the provisions of section 185 of the Act and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the content of the code may vary in particular according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building and classes of buildings, pressure installations, facilities or installations to which the code applies;

WHEREAS the board of directors of the Board made the Regulation to amend the Construction Code by its resolution 2021-304-10.2-2370 dated 15 September 2021;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 24 November 2021 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS the board of directors of the Board recommended to the Minister of Municipal Affairs and Housing to submit the Regulation to amend the Construction Code to the Government for approval and publication in the *Gazette officielle du Québec* by its resolution 2022-310-11-2409 dated 9 March 2022;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT the Regulation to amend the Construction Code, attached to this Order in Council, be approved.

YVES OUELLET  
Clerk of the Conseil exécutif

## Regulation to amend the Construction Code

Building Act  
(chapter B-1.1, ss. 173, 176, 176.1, 178, 179, 185,  
pars. 0.1, 37 and 38, and s. 192)

**1.** The Construction Code (chapter B-1.1, r. 2) is amended in section 1.09, as replaced by section 1 of the Regulation to amend the Construction Code, approved by Order in Council 1419-2021 dated 10 November 2021, by striking out the following line in the section of the table amending Part 9 of Division B of the National Building Code of Canada 2015:

“

Replace Clause (1)(a) by the following:

**9.13.4.1.** “(a) wall, roof and floor assemblies separating *conditioned space* from the ground of a *building* built at a location where it is recognized that soil gas presents a danger to the health and safety, and”.

”.

**2.** 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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Gouvernement du Québec

**O.C. 767-2022**, 4 May 2022

Professional Code  
(chapter C-26)

### Performance of the activities described in sections 39.7 and 39.8

Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code

WHEREAS, under the first paragraph of section 39.9 of the Professional Code (chapter C-26), the Office des professions du Québec may, by regulation, determine places,

cases and circumstances in which a person may engage in the activities described in sections 39.7 and 39.8 of the Code as well as the applicable conditions and procedures;

WHEREAS, under the second paragraph of section 39.9 of the Code, the Office must have due regard for the availability of professionals in those places, cases and circumstances and for the supervision provided by a centre operated by an institution;

WHEREAS, under the third paragraph of section 39.9 of the Code, the Office may also, by regulation, determine the additional conditions and procedures a person referred to in section 39.7 or 39.8 of the Code must fulfil or complete to engage in the activities described in that section;

WHEREAS, under the fourth paragraph of section 39.9 of the Code, before making a regulation under the first or third paragraph of that section, the Office must consult with the Minister of Health and Social Services and the professional orders concerned;

WHEREAS, in accordance with the second and fourth paragraphs of section 39.9 of the Code, the Office had due regard for the availability of professionals in those places, cases and circumstances and for the supervision provided by a centre operated by an institution, and consulted with the Minister of Health and Social Services, the Collège des médecins du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel des inhalothérapeutes du Québec and the Ordre des pharmaciens du Québec before adopting, on 19 March 2021, the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code was published in Part 2 of the *Gazette officielle du Québec* of 7 April 2021 with a notice that it could be submitted to the Government, which may approve it with or without amendment on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code, every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;