

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*.

105712

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;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting the performance of the activities described in sections 39.7 and 39.8 of the Professional Code, attached to this Order in Council, be approved.

YVES OUELLET  
*Clerk of the Conseil exécutif*

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

Professional Code  
(chapter C-26, s. 39.9)

### DIVISION I DEFINITIONS

**1.** For the purposes of this Regulation, unless the context indicates a different meaning,

“authorized professional” means any professional authorized to perform the activities described in sections 39.7 and 39.8 of the Professional Code; (*professionnel habilité*)

“entity” means any entity, except an institution, on whose behalf a person performs the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26); (*entité*)

“institution” means any institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5); (*établissement*)

“other temporary alternative environment for children” means any childcare establishment, any day camp or vacation camp, or any respite service outside the child’s home; (*autre milieu de vie substitut temporaire pour les enfants*)

“person acting within the framework of a home care program provided by an institution operating a local community service centre” means any person providing home care services on behalf of an institution that operates a local community service centre, in particular, an employee of the institution, an employee of an entity or a worker hired by mutual agreement; (*personne agissant dans le cadre d’un programme de soutien à domicile fourni par un établissement qui exploite un centre local de services communautaires*)

“person acting within the framework of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services” means any person acting within that framework, except for a person acting within the framework of a foster family to which children are entrusted under the Youth Protection Act (chapter P-34.1), unless the children entrusted to the foster family have no health problem requiring special care; (*personne agissant dans le cadre des activités d’une ressource intermédiaire ou de type familial visée à la Loi sur les services de santé et les services sociaux*)

“rules of care” means the clinic-administrative rules governing the performance of the activities described in sections 39.7 and 39.8 of the Professional Code in an institution; (*règles de soins*)

### DIVISION II PLACES, CASES AND CIRCUMSTANCES IN WHICH A PERSON MAY PERFORM THE ACTIVITIES DESCRIBED IN SECTIONS 39.7 AND 39.8 OF THE PROFESSIONAL CODE

**2.** In addition to the places, cases and circumstances referred to in sections 39.7 and 39.8 of the Professional Code (chapter C-26), a person, whether a volunteer, for remuneration or compensation, may perform the activities described in those sections in the following places, cases or circumstances:

(1) where the person is acting on behalf of a private seniors’ residence within the meaning of section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) according to the agreement entered into between that residence and the institution of the territory where it is situated;

(2) where the person is acting on behalf of a religious corporation within the framework of subparagraph *f* of the second paragraph of section 8 of the Religious Corporations Act (chapter C-71);

(3) where the person is acting on behalf of a rehabilitation centre within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and the person provides to a user adjustment or rehabilitation services, social and socio-occupational integration services or support services;

(4) where the person is acting on behalf of an entity that provides respite and adult supervision services outside the user’s home;

(5) where the person is acting on behalf of an institution or entity that offers social and stimulation activities of the day centre or daytime activities type;

(6) where the person is acting on behalf of a correctional facility attached to an institution for health care management purposes.

**3.** A person may also perform the activities described in section 39.7 of the Professional Code (chapter C-26) where the person is acting in a school or other temporary alternative environment for children.

**DIVISION III**  
CONDITIONS AND PROCEDURES PURSUANT  
TO WHICH A PERSON MAY PERFORM  
THE ACTIVITIES DESCRIBED IN SECTIONS 39.7  
AND 39.8 OF THE PROFESSIONAL CODE

**4.** This Division applies to

(1) any person acting in the places, cases and circumstances determined in section 2;

(2) any person acting within the framework of the activities of an intermediate or family-type resource referred to in the Act respecting health services and social services (chapter S-4.2); and

(3) any person acting within the framework of a home care program provided by an institution operating a local community service centre.

**5.** A person referred to in section 4 may perform the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) where

(1) the following conditions of training are met:

(a) the person has learned the skills related to those activities in a training program of the Ministère de l'Éducation, du Loisir et du Sport or the Ministère de la Santé et des Services sociaux that

i. has a minimum duration of 14 hours;

ii. pertains to the standards and the routes of administration of the medications as well as the legislation governing the performance of activities related to invasive care; and

iii. is given by a school service centre or school board, an institution or a training provider authorized by a school service centre or school board;

(b) specifically for the activities described in section 39.7 of the Professional Code, in addition to the training described in subparagraph *a*, the person has learned the activities related to invasive care with an authorized professional of the institution or entity where they are performed;

(2) the following conditions of performance are met:

(a) the person is supervised, when the person is performing each of those activities for the first time and until the person masters the skills required to perform them, by an authorized professional of the institution or entity where they are performed;

(b) the person is authorized to perform each of those activities by an authorized professional of the institution or entity where they are performed and that professional authorizes the person if the conditions required to perform them are met;

(c) the person complies with the rules of care in force of the institution of the territory where the entity where those activities are performed is situated;

(d) the person has access, for the purpose of a rapid intervention, to an authorized professional.

**6.** Where an agreement between an entity and the institution of the territory where it is situated so provides, the authorized professionals of that entity are responsible for supervising and authorizing the performance of those activities in accordance with subparagraphs *a* and *b* of paragraph 2 of section 5.

Where that agreement so provides, those professionals are also responsible for the learning of the activities related to invasive care in accordance with subparagraph *b* of paragraph 1 of that section.

**DIVISION IV**  
CONDITIONS AND PROCEDURES PURSUANT  
TO WHICH A PERSON MAY PERFORM  
THE ACTIVITIES DESCRIBED IN SECTION 39.7  
OF THE PROFESSIONAL CODE IN A SCHOOL  
OR OTHER TEMPORARY ALTERNATIVE  
ENVIRONMENT FOR CHILDREN

**7.** A person acting in a school or other temporary alternative environment for children may perform the activities described in section 39.7 of the Professional Code (chapter C-26) where the following conditions are met:

(1) an agreement to that effect has been entered into between the school service centre or school board having jurisdiction over that school and the institution of the territory where they are situated or, if applicable, between the other temporary alternative environment for children and the institution of the territory where it is situated. Where that school is a private educational institution referred to in section 54.1 of the Act respecting private education (chapter E-9.1), the agreement must be entered into with that institution;

(2) the person learned each of those activities with an authorized professional of an institution or school;

(3) the person is supervised, when the person performs each of those activities for the first time and until the person has mastered the skills required to perform them, by an authorized professional of an institution or school;

(4) the person is authorized to perform each of those activities by an authorized professional of the institution covered by the agreement or the school and that professional authorizes the person if the conditions required to perform them are met;

(5) the person complies with the rules of care in force in the institution covered by the agreement;

(6) the person has access, for the purpose of a rapid intervention, to an authorized professional.

## DIVISION V

### TRANSITIONAL AND FINAL

**8.** A person who was authorized on 1 June 2022 to perform the activities described in sections 39.7 and 39.8 of the Professional Code (chapter C-26) in a private seniors' residence, rehabilitation centre for physically impaired persons, rehabilitation centre for mentally impaired persons, within the framework of the activities of an intermediate or family-type resource or within the framework of a home care program provided by an institution operating a local community service centre is not required, to continue to perform them, to meet the conditions of training provided for in paragraph 1 of section 5.

**9.** This Regulation replaces the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code (chapter C-26, r. 3).

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

105714

Gouvernement du Québec

## O.C. 770-2022, 4 May 2022

Environment Quality Act  
(chapter Q-2)

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

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

WHEREAS, under the third paragraph of section 53.31.2 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, as regards one or more designated materials or classes of materials, specify which persons from among the persons referred to in subparagraph 6 of the first paragraph of section 53.30 of the Act are required to pay a compensatory contribution as compensation to the municipalities;

WHEREAS, under the first paragraph of section 53.31.3 of the Act, the annual compensation owed to the municipalities is based on the cost of the services they provide during a year to deal with the materials or classes of materials subject to compensation, that is, the collection, transportation, sorting and conditioning costs, including an indemnity for the management of those services;

WHEREAS, under the second paragraph of section 53.31.3 of the Act, the Société québécoise de récupération et de recyclage determines annually the amount of the compensation, by calculating for each municipality, in accordance with the calculation method and the performance and effectiveness criteria determined by regulation of the Government, the costs of the services provided that are eligible for compensation and the management indemnity to which the municipality is entitled, and by aggregating all the costs and fees calculated for the municipalities;

WHEREAS, under the first paragraph of section 53.31.4 of the Act, for the purposes of section 53.31.3 of the Act, the Government prescribes by regulation the information and documents a municipality is required to send to the Société québécoise de récupération et de recyclage and the conditions, including the date, under which they must be sent, and the regulation must also specify the penalties applicable if those obligations are not met;

WHEREAS, under the second paragraph of section 53.31.4 of the Act, should a municipality fail to send the required information or documents to the