

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting trapping activities and the fur trade

Act respecting the conservation and development of wildlife (chapter C-61.1, s. 162, par. 16)

1. The Regulation respecting trapping activities and the fur trade (chapter C-61.1, r. 3) is amended by replacing section 13 by the following:

“**13.** The holder of a trapping licence who captures a black bear must register it with the Minister or a person, partnership or association authorized by the Minister under section 56.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1), by providing the following information within 15 days of leaving the trapping ground, using the form provided by the Minister for that purpose:

- (1) full name, address and telephone number;
- (2) hunter’s or trapper’s certificate number;
- (3) trapping licence number.

Despite the first paragraph, the holder of a trapping licence who captures a black bear must, at a wildlife conservation officer’s request, have the officer register it immediately.”

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. 1102-2022, 15 June 2022

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

Animals in captivity — Amendments

Regulation to amend the Regulation respecting animals in captivity

WHEREAS, under the second paragraph of section 69 of the Act respecting the conservation and development of wildlife (chapter C-61.1), the Government may, by regulation, authorize the sale of an animal, invertebrate or wildlife by-product according to such norms and conditions as the Government may determine;

WHEREAS, under paragraph 7 of section 162 of the Act, the Government may make regulations determining the animals for which no licence is required for keeping them in captivity, capturing them for the purpose of keeping them in captivity or disposing of them;

WHEREAS, under paragraph 14 of section 162 of the Act, the Government may make regulations determining the provisions of a regulation the infringement of which constitutes an offence;

WHEREAS, under paragraph 16 of section 162 of the Act, the Government may make regulations prescribing norms and obligations respecting the transportation, possession, registration and disposal of animals or fish;

WHEREAS, under paragraph 22 of section 162 of the Act, the Government may make regulations fixing the norms and conditions respecting the capture of animals or invertebrates to be kept in captivity, the keeping of animals or invertebrates in captivity, the killing and, where such is the case, the disposal of animals or invertebrates, and fixing their number;

WHEREAS, under paragraph 23 of section 162 of the Act, the Government may make regulations determining the conditions required for importing or exporting an animal, fish, invertebrate, wildlife by-product or pelt to or from Québec or prohibiting the importing of any animal, invertebrate or wildlife by-product it may indicate;

WHEREAS the Government made the Regulation respecting animals in captivity (chapter C-61.1, r. 5.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting animals in captivity was published in Part 2 of the *Gazette officielle du Québec* of 8 December 2021 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 Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting animals in captivity, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

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 portion before 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” 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) in the first paragraph

(a) by replacing “109” in the portion before subparagraph 1 by “108”;

(b) by inserting the following after subparagraph *f* of subparagraph 1:

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

(2) by adding “, 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 portion before paragraph 1.
- 12.** Section 45 is revoked.
- 13.** Section 46 is amended
- (1) by striking out “health”;
 - (2) by replacing “when injured or sick” by “when it has a physical health problem”;
 - (3) 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”.
- 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 fourth 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) for at least 6 years, the analyses provided for in section 134.2 have been conducted;

(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 at the end of the second paragraph:

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

32. Section 131 is amended by replacing “illness, injury or limiting congenital malformations” in subparagraph 2 of the first paragraph by “physical illness”.**33.** The following is inserted after section 134:

“**134.1.** A keeper of large cervids must take the necessary measures to locate the carcass of a specimen as soon as possible after its death so that 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
OFFENCES**

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, the analyses provided for in section 134.2 were conducted 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 chronic wasting disease herd certification program recognized by 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*.

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Gouvernement du Québec

O.C. 1211-2022, 22 June 2022

Corrections to the French and English texts of the Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

WHEREAS, by Order in Council 933-2022 dated 1 June 2022, the Government made the Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises;

WHEREAS errors slipped into the French and English texts of the Regulation and it is expedient to correct them;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the French text of the Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises, made by Order in Council 933-2022 dated 1 June 2022, be amended by inserting the following paragraphs before “Les mesures contenues dans le plan de redressement doivent :” in paragraph 1 of section 17:

“L’entreprise visée à l’article 2 ou 3 ou, selon le cas, l’organisme visé à l’article 4 doit déterminer annuellement, pour chaque sous-catégorie de produits, les résultats de récupération et de valorisation de l’année en cours, le cas échéant après compensation effectuée conformément au troisième ou au quatrième alinéa de l’article 13 ou à l’article 59.3.

Lorsque les résultats pour cette année indiquent un écart résiduel négatif, l’entreprise ou, selon le cas, l’organisme doit, au plus tard le 30 juillet après la date limite fixée pour la transmission du rapport annuel, transmettre au ministre un plan de redressement détaillant les mesures qui seront mises en place afin d’augmenter le taux de récupération.”;

THAT the English text of the Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises, made by Order in Council 933-2022 dated 1 June 2022, be amended by inserting the following paragraphs before “The measures contained in the remediation plan must” in paragraph 1 of section 17:

“An enterprise referred to in section 2 or 3 or, if applicable, an organization referred to in section 4 must determine each year, for each subcategory of products, the recovery and reclamation results for the current year, if applicable, after compensation made under the third or fourth paragraph of section 13 or under section 59.3.

Where the results for that year indicate a negative residual difference, the enterprise or, if applicable, the organization must, not later than 30 July after the deadline determined for providing the annual report, submit to the Minister a remediation plan detailing the measures that will be implemented to increase the recovery rate.”

YVES OUELLET
Clerk of the Conseil exécutif

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