

(3) a salvager who cannot, within a reasonable period, dispose of inedible meat that the salvager salvaged in accordance with section 7.3.3.

For the purposes of the first, second and third paragraphs, the disposal of inedible meat, waste, garbage and refuse must first be authorized by the Minister where the conditions set out in those paragraphs are met.

Except for a salvager and the operator of a dismembering plant, a person who collects or removes residual materials or delivers those materials to a site for the elimination or reclamation of residual materials compliant with the Environment Quality Act and the regulations and a person who operates the site are exempted, for the purposes of this section, from the requirement to hold the permits provided for in subparagraphs *c* and *d* of the first paragraph of section 9 of the Act. The persons are also exempted from the application of section 7.1.5, the sections of Division 7.2, sections 7.3.8 to 7.3.10 and the sections of Division 7.4.”

6. Section 7.3.2 is amended by replacing “the removal of waste” in the second paragraph by “the collection or removal of residual materials”.

7. Section 7.3.5 is amended by replacing “the removal of waste” in paragraph 4 by “the collection or removal of residual materials”.

8. Section 7.4.14 is amended by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

9. Section 9.3.1.14 is amended by replacing “engaged in garbage removal” at the end of subparagraph 4 of the second paragraph by “engaged in the collection or removal of residual materials”.

10. Section 10.3.1.18 is amended by replacing “engaged in garbage removal” at the end of subparagraph 4 of the first paragraph by “engaged in the collection or removal of residual materials”.

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

105944

Gouvernement du Québec

O.C. 1464-2022, 3 August 2022

Educational Childcare Act
(chapter S-4.1.1)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9)

Educational Childcare — Amendment

Regulation to amend the Educational Childcare Regulation

WHEREAS, under subparagraphs 3.1 and 23.1 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), as enacted by paragraphs 2 and 11 of section 58 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development (2022, chapter 9), the Government may, by regulation, for part or all of Québec,

—prescribe standards aimed at ensuring the health of children that are applicable to educational childcare providers, their facilities or their residence, as applicable, and require educational childcare providers to send the Minister the results of any analysis that may be required by the Minister regarding such matters;

—establish the number, nature and terms of visits that a home educational childcare coordinating office is required to make to a home educational childcare provider;

WHEREAS, under subparagraphs 4, 11, 12, 13, 14.1, 21, 22, 23, 24, 27.1 and 29.2 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), as amended by section 97 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development, the Government may, by regulation, for part or all of Québec,

—establish the standards of hygiene, salubrity and safety to be met by childcare providers;

—identify the records that must be kept by a permit holder or a home educational childcare coordinating office as well as the information and documents these records must contain, and define rules for their preservation;

—determine the information and documents that an educational childcare provider or home educational childcare coordinating office must update and communicate;

—set the ratio of staff to children to be respected by an educational childcare provider;

—determine the elements comprising the education records of the children to whom the educational childcare provider provides childcare, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information the records contain;

—determine the requirements to be met by a person seeking recognition as a home educational childcare provider or renewal of such recognition;

—determine terms and conditions for recognition of a home educational childcare provider;

—determine the monitoring measures applicable to a home educational childcare provider and the situations that can lead to non-renewal, suspension or revocation of recognition;

—determine the information and documents a home childcare provider must communicate to the coordinating office that granted its recognition;

—determine the terms and conditions to be complied with by a childcare provider in the delivery of subsidized childcare;

—establish a single educational program and determine which childcare providers are required to apply it in whole or in part;

WHEREAS, under subparagraphs 5, 13.1, 14, 15, 29.1, 30 and 31 of the first paragraph of section 106 of the Educational Childcare Act, the Government may, by regulation, for part or all of Québec,

—establish standards for the lay-out, equipment, furnishing, maintenance, heating and lighting of premises where childcare is provided, require that there be a play space, delimit areas within that space for specific uses and establish standards for the lay-out, equipment, maintenance and safety of the play space or play areas;

—set the ratio of staff to qualified staff present during the provision of childcare services to be respected by a childcare provider;

—determine the formalities to be followed when registering and admitting children and when taking them on an outing;

—determine the content of registration cards and attendance cards, and establish standards for their preservation, consultation and reproduction;

—determine the other elements and services all educational programs must include;

—determine, from among the provisions of a regulation made under section 106, those whose infringement constitutes an offence punishable under section 117 of the Act;

—specify which provisions of a regulation give rise to the imposition of an administrative penalty, and specify, or give the calculation methods to be used to determine, the amount of the penalty;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Educational Childcare Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 April 2022 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 Families:

THAT the Regulation to amend the Educational Childcare Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Educational Childcare Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106, 1st par., subpars. 3.1, 4, 5, 11 to 15, 21 to 24, 27.1, 29.1, 29.2, 30 and 31)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9, ss. 58 and 97)

1. Section 21 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), amended by section 88 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development (2022, chapter 9), is further amended by adding the following paragraph at the end:

“The permit holder must ensure that the same ratios are complied with when the children take part in an outing or an activity elsewhere than in the holder’s facility.”

2. Section 32 is amended

(1) by replacing “a window that remains unobstructed at all times through which the children may be viewed” in paragraph 1 by “at least one window that remains unobstructed at all times and allows a general view of the play area”;

(2) by replacing paragraph 2 by the following:

“(2) if the play area is situated in part below ground level, all the bases of the windows referred to in paragraph 6 must be not more than 1.20 m from the floor and be situated entirely above ground level;”.

3. Section 34 is amended by replacing “wired” in paragraph 2 by “working”.

4. Section 39 is amended by replacing “delimited by a fence and accessible during the hours of childcare” in subparagraph 2 of the first paragraph by “accessible during the hours of childcare and, subject to section 39.2, delimited by a fence”.

5. The following is inserted after section 39.1:

“**39.2.** A permit holder who, in accordance with subparagraph 2 of the first paragraph of section 39, has an outdoor children’s play space in a public park is exempted from the requirement that the space be delimited by a fence if, during its use, the permit holder ensures that the children are accompanied by at least 2 staff members, at least 1 of whom is a childcare staff member within the meaning of section 19.”.

6. Section 48.1 is amended by adding “, except the notices of contravention, complaints, follow-up documents and reports concerning the home educational childcare provider, which are destroyed 6 years after the end of their processing” at the end.

7. Section 51 is amended

(1) by replacing “friendly relationship” in paragraph 3 by “meaningful affective relationship”;

(2) by replacing “leading and supervising children’s activities” in paragraph 7 by “accompanying and supporting the children in their games and explorations”.

8. Section 54 is amended

(1) by replacing “friendly relationship” in paragraph 2 by “meaningful affective relationship”;

(2) by inserting the following after paragraph 2:

“(2.1) be able to help the home educational childcare provider in the implementation of the educational program;”.

9. Section 54.1 is amended

(1) by striking out “and information” in the portion before subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 2 to 4 of the first paragraph.

10. Section 58 is replaced by the following:

“**58.** The home educational childcare provider must ensure that the assistant, unless the latter holds the qualification referred to in section 22, has completed at least 12 hours of child development training.

If the assistant, on beginning employment, has not successfully completed the training referred to in the first paragraph, the home educational childcare provider must ensure that it is completed not later than 6 months after the assistant begins employment.”.

11. Section 60 is amended

(1) by replacing “physician’s or specialized nurse practitioner’s certificate” in paragraph 4 by “declaration signed by the applicant”;

(2) by striking out paragraph 5.

12. Section 64.1 is amended by replacing “new medical certificate meeting the requirements of paragraph 4 of section 60” by “physician’s or specialized nurse practitioner’s certificate attesting that the provider has the physical and mental health necessary to provide childcare”.

13. Section 68 is amended by replacing “60 days” in the second paragraph by “90 days”.

14. Section 73 is amended by replacing the first two paragraphs by the following:

“The coordinating office must, before renewing recognition, interview the home educational childcare provider and each person over 14 years of age residing in the residence where the childcare is provided who has not already been interviewed under this Regulation.

The coordinating office must also, after making an appointment, visit the residence while childcare is being provided to verify the premises and equipment used to provide childcare services so as to ensure that they are safe and suitable in light, in particular, of the number and age of the children. It must also ensure compliance with the Act and the regulations, in particular compliance with the conditions of recognition.”

15. Section 79 is amended

(1) by replacing “by reason of an illness, a pregnancy or the birth or adoption of a child may apply” in the first paragraph by “may apply in writing”;

(2) by striking out “or, in a case of illness, for the period determined in the medical attestation” in the third paragraph.

16. Sections 79.1 and 79.2 are replaced by the following:

“**79.1.** The suspension of recognition under section 79 cannot exceed 24 months, except in the case of a preventive withdrawal or an illness or in order to enable the home educational childcare provider to take part in the negotiations or association activities provided for in the Act respecting the representation of certain home educational childcare providers and the negotiation process for their group agreements (chapter R-24.0.1).”

17. Section 79.3 is amended by replacing “sections 79 and 79.2” by “section 79”.

18. Section 80 is amended

(1) by replacing the first paragraph by the following:

“Within 30 days of the date scheduled for resumption of the operations of the home educational childcare provider whose recognition has been suspended, the home educational childcare provider must provide the coordinating office with a declaration attesting to the changes or lack of changes that may affect the terms and conditions of the recognition.”;

(2) by inserting the following at the beginning of the second paragraph: “Failing production of the declaration or if changes have occurred, the coordinating office must

interview the provider and verify the elements listed in section 73 in the manner provided for in that section, with the necessary modifications.”

19. Section 82 is amended by replacing “friendly relationship” in paragraph 2 by “meaningful affective relationship”.

20. Section 82.2 is amended

(1) by striking out “and information” in the portion before subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 2 to 4 of the first paragraph.

21. Section 91 is amended by replacing “a telephone, other than a cellphone” in paragraph 1 by “an accessible working telephone”.

22. Section 93 is amended by striking out the second sentence of the first paragraph.

23. Section 100 is amended by adding “or when they take part in an outdoor activity or an outing” at the end.

24. Section 101 is amended

(1) by replacing “near the telephone provided for in section 34 or 91, as the case may be” in the portion before subparagraph 1 of the first paragraph by “, in a conspicuous and accessible place”;

(2) by replacing “close to the telephone” in the portion before subparagraph 1 of the second paragraph by “in an accessible place”.

25. Section 114 is replaced by the following:

“**114.** An educational childcare provider must ensure that the children are taken outdoors at least 60 minutes every day to a safe place where they can be supervised, unless there are conditions that compromise the children’s health, safety or well-being.”

26. Section 115 is replaced by the following:

“**115.** An educational childcare provider may make available to children a television, computer, tablet computer or any other audiovisual equipment only if its use is part of the educational program and occurs sporadically, without exceeding 30 minutes in a same day. Their use is however prohibited for children under 2 years of age.”

27. Section 121.1 is amended by replacing the third paragraph by the following:

“A home educational childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may administer medication to a child receiving childcare.”

28. Section 121.7 is amended by replacing the third paragraph by the following:

“A home educational childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may apply insect repellent to a child receiving childcare.”

29. Section 123 is amended by replacing “4 weeks” in the second paragraph by “4 weeks if the child is receiving childcare from a permit holder or every 2 weeks if the child is receiving childcare from a home educational childcare provider”.

30. The following is inserted after Division 123.0.7:

“DIVISION V CHILDCARE AT NIGHT

123.0.8. This section applies to an educational childcare provider who provides childcare to a child who is put to bed for the night or part of the night.

123.0.9. With respect to a child who receives childcare at night in accordance with this Division, the educational childcare provider is exempted from the application of the first paragraph of section 23, section 24, the first paragraph of section 36 and sections 93, 100 and 114 when the child is in bed or preparing for bed. In addition, the educational program does not apply during sleep and the provisions of the child’s education record do not apply to a child who is only receiving childcare during sleep, the immediate preparation for sleep and wake time.

Despite the first paragraph, the following standards apply to an educational childcare provider referred to in this Division:

(1) a permit holder must ensure that at least 1 childcare staff member out of 3 is qualified and present with the children while childcare is provided;

(2) a permit holder must ensure that at least 2 childcare staff members are present in the facility of the permit holder while childcare is provided;

(3) a permit holder must ensure that the children are under constant auditory supervision and under visual supervision every 30 minutes or less;

(4) a home educational childcare provider must ensure that the space reserved for putting a child to bed is situated on the same storey as the space the provider occupies for bed;

(5) a home educational childcare provider must ensure that the children are under constant electronic auditory supervision while they are sleeping;

(6) an educational childcare provider must have, for each child under 18 months of age, a crib with posts and slats as defined in section 37 and, for each of the other children accommodated, a bed;

(7) an educational childcare provider must provide the bedding to cover each child that must be used only by that child until the bedding is washed, unless the parent wishes, on the parent’s own initiative, to provide bedding which the provider considers appropriate and safe.”

31. Section 123.1 is amended

(1) by replacing “and 123.0.1 to 123.0.7” in the first paragraph by “, 123.0.1 to 123.0.7 and 123.0.9”;

(2) by replacing the second paragraph by the following:

“The amount of the administrative penalty is \$500 in the case of a natural person and \$1,000 in other cases.”

32. Section 124, amended by section 94 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development (2022, chapter 9), is further amended by replacing “40 to 43, 98 to 123, 123.0.2, 123.0.6 and 123.0.7” by “39.2 to 43, 98 to 123, 123.0.2, 123.0.6, 123.0.7 and 123.0.9”.

33. The following is inserted after section 135:

“**135.1.** The holder of a permit issued before 1 September 2022 is exempted from the requirement prescribed by paragraph 1 of section 32 to the extent that the play area referred to in that section is equipped with a window that remains unobstructed at all times through which the play area may be viewed. The permit holder is also exempted from the requirement prescribed by paragraph 2 of section 32 to the extent that the play area referred to in that section has, on average, at least half of its floor/ceiling height above ground level.

The same applies for a permit holder whose plans for the premises of a facility were approved by the Minister before that date in accordance with sections 18 and 19 of the Act, provided a permit is issued.

The exemptions referred to in the first and second paragraphs remain valid until changes to the structures covered by the exemptions require the approval of new plans, in accordance with sections 18 and 19 of the Act, and the work covered by the plans has been carried out.”

34. Schedule II is amended

(1) by inserting “, and assistant” after “home educational childcare provider” in the PROTOCOL FOR ADMINISTERING ACETAMINOPHEN TO TREAT FEVER under the heading AUTHORIZATION FORM FOR THE ADMINISTRATION OF ACETAMINOPHEN;

(2) by inserting “, and assistant” after “a home educational childcare provider” in the PROTOCOL FOR APPLYING INSECT REPELLENT under the heading AUTHORIZATION FORM FOR THE APPLICATION OF INSECT REPELLENT.

TRANSITIONAL AND FINAL

35. A home educational childcare coordinating office that, on 1 September 2022, has not yet ruled on an application for the suspension of recognition made by a home educational childcare provider must render its decision under sections 79 to 80 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as amended by sections 16 to 19 of this Regulation.

36. A home educational childcare provider who, on 1 September 2022, provides childcare to a child to be put to bed for the night or part of the night and for whom the provider does not meet the requirement provided for in subparagraph 4 of the second paragraph of section 123.0.9 of the Educational Childcare Regulation, enacted by section 30 of this Regulation, may continue to provide childcare to the child without complying with the requirement until 1 September 2023.

37. This Regulation comes into force on 1 September 2022, except section 6, paragraph 1 of section 11, section 29 and subparagraph 5 of the second paragraph of section 123.0.9 of the Educational Childcare Regulation, enacted by section 30 of this Regulation, which come into force on 30 December 2022.

105945

Gouvernement du Québec

O.C. 1470-2022, 3 August 2022

Fire Safety Act
(chapter S-3.4)

Decorations and citations awarded in the field of fire safety and for rescue activities
—Amendment

Regulation to amend the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities

WHEREAS, under paragraph 3 of section 151 of the Fire Safety Act (chapter S-3.4), the Government may, by regulation, determine the decorations and citations that may be awarded, the cases in which they may be awarded, the procedure for awarding decorations and citations, and the classes of persons or bodies that may qualify therefor;

WHEREAS the Government made the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities (chapter S-3.4, r. 1.01);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities was published in Part 2 of the *Gazette officielle du Québec* of 13 April 2022 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 Public Security:

THAT the Regulation to amend the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif