

**M.O., 2023-07****Order number D-9.2-2023-07 of the Minister of Finance, May 17, 2023**

Act respecting the distribution of financial products and services  
(chapter D-9.2)

CONCERNING Regulation to amend the Regulation respecting the pursuit of activities as a representative

WHEREAS section 196 of the Act respecting the distribution of financial products and services (chapter D-9.2) provides that the *Autorité des marchés financiers* may determine by regulation, for each sector and class of sectors, the requirements with which the liability insurance contracts of firms, representatives acting on behalf of a firm without being employees, independent representatives and independent partnerships must be consistent and that the regulation may, in particular, prescribe the extent of coverage, the amount covered per claim, the amount of the deductible and the notice that must be given before a contract is cancelled, or prescribe the formulations of a standard policy;

WHEREAS paragraph 2 of section 202 of such Act provides that the *Autorité des marchés financiers* may, for each sector, determine by regulation the conditions and restrictions that apply to the pursuit of activities as a representative;

WHEREAS the first and the second paragraphs of section 194 of such Act provide, in particular, that the *Autorité des marchés financiers* shall publish its draft regulations in the information bulletin and every draft regulation must be published with a notice stating the time that must elapse before the draft regulation may be made or be submitted for approval, and stating the fact that any interested person may, during that time, submit comments to the person designated in the notice;

WHEREAS the first and the third paragraphs of section 217 of such Act provide, in particular, that a regulation made by the *Autorité des marchés financiers* under this Act must be submitted to the Minister of Finance for approval with or without amendment, that such regulation may not be submitted for approval before 30 days have elapsed since its publication as a draft and that such regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in this regulation;

WHEREAS the draft Regulation to amend the Regulation respecting the pursuit of activities as a representative was published in the *Bulletin de l'Autorité des marchés financiers*, volume 19, no. 48 of December 8, 2022;

WHEREAS the *Autorité des marchés financiers* made, on April 27, 2023, by the decision no. 2023-PDG-0021, Regulation to amend the Regulation respecting the pursuit of activities as a representative;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend the Regulation respecting the pursuit of activities as a representative appended hereto.

May 17, 2023

ERIC GIRARD  
*Minister of Finance*

### **Regulation to amend the Regulation respecting the pursuit of activities as a representative**

Act respecting the distribution of financial products and services  
(chapter D-9.2, s. 196 and s. 202, par. (2))

**1.** Division II of the Regulation respecting the pursuit of activities as a representative (chapter D 9.2, r. 10), consisting of sections 2 and 3, is repealed.

**2.** The Regulation is amended by inserting the following after section 5:

*“§1.1. Rules specific to the pursuit of outside activities by a representative*

**“5.1.** A representative may pursue an outside activity only in the following circumstances:

(1) the outside activity is unlikely to be confused with the activities of a representative;

(2) if applicable, the representative has reported the outside activity in writing to the firm or independent partnership on whose behalf he acts.

For purposes of this subdivision, “outside activity” means any occupation, function or activity, other than the activity of representative, that involves dealing with the public.

“5.2. Despite section 5.1, a representative in insurance of persons or financial planner may not offer financial products and services to:

(1) any natural person with whom the representative or financial planner has a relationship arising from an outside activity that, due to its nature or the training or specialized knowledge it requires, places the representative in a position of influence;

(2) a person who the representative knows is the spouse of the natural person referred to in subparagraph 1, such natural person’s child, the spouse’s child, the natural person’s mother, father, brother or sister, the spouse of the natural person’s father or mother, the father or mother of the natural person’s spouse or the spouse of the natural person’s child.

For the purposes of the first paragraph, a representative in insurance of persons is considered to be in a position of influence when he has a relationship with a person referred to in that paragraph that arises from an outside activity as a member of the *Ordre des comptables professionnels agréés*, to the extent that pursuing that activity requires him to hold a public accountancy permit. Moreover, a representative in insurance of persons or a financial planner is considered to be in a position of influence when he has a relationship with a person referred to in that paragraph that arises from the outside activity of:

- (1) judge or police officer;
- (2) minister of religion or leader in a religious organization;
- (3) member of the *Ordre professionnel des avocats du Québec* or the *Ordre professionnel des notaires du Québec*, except with respect to the activities of a financial planner;
- (4) member of the *Ordre professionnel des infirmières et infirmiers du Québec* or the *Ordre professionnel des médecins du Québec*;
- (5) teacher in an educational institution at the secondary, college or university level;
- (6) funeral director or any other similar duties in the funeral services industry, except with respect to the activities of a financial planner;
- (7) immigration and citizenship consultant;
- (8) bankruptcy trustee;

(9) management of a union, other than a union formed of representatives, or management of a professional association, or employee of any such organization; or

(10) real estate broker.

“5.3. Despite section 5.1, a financial product or service may not be offered to a natural person or to a person who the representative knows is such natural person’s spouse or child, the spouse’s child, the natural person’s mother, father, brother or sister, the spouse of the natural person’s father or mother, the father or mother of the natural person’s spouse or the spouse of the natural person’s child in the following circumstances:

(1) when a mortgage broker, representative in group insurance, damage insurance agent, damage insurance broker or claims adjuster has a relationship with that person that arises from an outside activity referred to in subparagraphs 1, 2, 5 and 7 to 9 of the second paragraph of section 5.2;

(2) when a mortgage broker, representative in group insurance, damage insurance agent or damage insurance broker has a relationship with that person arising from an outside activity as a member of the *Ordre des comptables professionnels agréés*, to the extent that pursuing that activity requires him to hold a public accountancy permit, or as a member of the *Ordre professionnel des avocats du Québec* or the *Ordre professionnel des notaires du Québec*;

(3) when a representative in group insurance, damage insurance agent, damage insurance broker or claims adjuster has a relationship with that person that arises from an outside activity as a real estate broker;

(4) when a mortgage broker has a relationship with the natural person that arises from the outside activity of:

- (a) money lender;
- (b) loan administrator, except where the broker acts on behalf of a natural person who wishes to enter into, or has entered into, a loan secured by immovable hypothec;
- (c) member of the *Ordre professionnel des évaluateurs agréés du Québec*; or
- (d) building inspector;

(5) when a damage insurance agent, damage insurance broker or claims adjuster has a relationship with that person that arises from the outside activity of:

(a) vendor, lessor or repairer of road vehicles, off-road vehicles or boats;

(b) vendor, lessor or repairer of movable property, to the extent that the product or service is specifically related to the property;

(c) contractor within the meaning of section 7 of the Building Act (chapter B-1.1); or

(d) provider of services required when there is an insurance loss.

“5.4. Representatives who pursue an outside activity may not use privileged or confidential information to which they have access in the course of the outside activity, unless the person concerned has consented in writing to such use.

“5.5. Subparagraph 1 of the first paragraph of section 5.1 and sections 5.2 and 5.3 do not apply to a representative whose outside activity is that of acting as a representative of a person registered as a dealer or adviser under the Derivatives Act (Chapter I-14.01) or the Securities Act (Chapter V-1.1).”

**3.** Section 17 of the Regulation is amended in paragraph 3:

(1) by inserting, in subparagraph *a*, “including gross fault,” after “fault,”;

(2) by replacing, in subparagraph *b*, “extends beyond the period of insurance provided for therein for a further term of 5 years from the date the representative ceases to pursue activities, irrespective of whether or not he is still alive” by “will continue to apply beyond the period of insurance provided for in the contract for a further term of five years, in respect of all the activities contemplated by such coverage, from the date on which the representative ceases, temporarily or permanently, to pursue activities, whether or not he has died.”;

(3) by adding the following subparagraph at the end:

“(f) the contract will be considered to include coverage at least equal to the coverage required by the law applicable in Québec and to satisfy the requirements set out in this Regulation.”

**4.** A professional liability insurance contract made or renewed by a firm, independent representative or independent partnership must be compliant with section 17 of the Regulation respecting the pursuit of activities as a representative (chapter D-9.2, r. 10), as amended by section 3 of this Regulation:

(1) on the date that immediately follows the date that is 12 months after the making or renewal of the contract, in cases where the contract is made or renewed between 1 June 2023 and 30 September 2023; or

(2) on 1 June 2024, in all other cases.

**5.** This Regulation comes into force on 1 June 2023, except for sections 1 and 2, which come into force on 2 December 2023.

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## M.O., 2023

### Order 2023-4997 of the Minister of Justice dated 17 May 2023

Civil Code; Act respecting family law reform with regard to filiation and amending the Civil Code in relation to personality rights and civil status (2022, chapter 22)

Recognition of health services and social services for the purposes of article 603.1 of the Civil Code

THE MINISTER OF JUSTICE,

CONSIDERING the first paragraph of article 603.1 of the Civil Code, which provides that a parent may, without the other parent’s consent, due to a situation of family violence, which includes spousal violence, or of sexual violence, caused by that other parent, request health services or social services recognized by the Minister of Justice, for their child;

ORDERS AS FOLLOWS:

(1) The following health services rendered by a member of a professional order are recognized for the purposes of article 603.1 of the Civil Code:

(a) assessment, treatment and follow-up of psychological trauma;