

Draft Regulation

Act respecting parental insurance
(chapter A-29.011)

Regulation

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation under the Act respecting parental insurance, made by the Conseil de gestion de l'assurance parentale on 14 September 2023 and appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for various consequential amendments mainly for the purpose of harmonizing the provisions of the Regulation under the Act respecting parental insurance with certain amendments made to the Civil Code by the 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) and the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project (2023, chapter 13). The amendments concern in particular the terminology allowing to take into account the various realities of sexual minorities and of trans or non-binary parents as well as surrogate pregnancy projects.

Study of the matter has shown no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Shadi J. Wazen, lawyer, Conseil de gestion de l'assurance parentale, 1122, Grande Allée Ouest, 1^{er} étage, bureau 104, Québec (Québec) G1S 1E5; telephone: 418-528-1608; email: shadi.wazen@cgap.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie Gendron, President and Director General, Conseil de gestion de l'assurance parentale, 1122, Grande Allée Ouest, 1^{er} étage, bureau 104, Québec (Québec) G1S 1E5; email: marie.gendron@cgap.gouv.qc.ca. The comments will be forwarded by the Conseil de gestion de l'assurance parentale to the Minister of Employment.

KATERI CHAMPAGNE JOURDAIN
Minister of Employment

Regulation to amend the Regulation under the Act respecting parental insurance

Act respecting parental insurance
(chapter A-29.011, s. 7, 3rd par., s. 8, 2nd par., s. 12.2, 3rd par., s. 13, 1st par., s. 16, 2nd par., s. 17.1, 2nd par., s. 19, 20, 2nd par., s. 23, 2nd, 3rd and 4th pars. and s. 88, 1st par., subpar. 1; 2023, chapter 13, ss. 39 and 46)

1. The Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2) is amended in section 10 by striking out “the net family” after “information on”.

2. Section 14 is amended by replacing “maternity benefits, paternity benefits, exclusive parental or adoption benefits of the deceased parent” in paragraph 2 by “exclusive benefits of the deceased parent provided for in sections 7, 9, 10.1, subparagraph 1 of the first paragraph of section 11, section 11.1, subparagraph 1 of the first paragraph of section 12.4 and section 12.5 of the Act”.

3. Section 15 is amended by replacing “welcome and support benefits relating to an adoption” in the second paragraph by “benefits provided for in sections 12.1 and 12.8 of the Act”.

4. Section 16 is amended by replacing “welcome and support benefits relating to an adoption” in the third paragraph by “benefits provided for in sections 12.1 and 12.8 of the Act”.

5. Section 17 is amended by replacing “sections 10 and 11” in the second paragraph by “section 10, subparagraph 2 of the first paragraph of section 11, and subparagraph 2 of the first paragraph of section 12.4”.

6. Section 26 is amended by replacing “second” by “fourth” wherever it appears.

7. Section 31.1.1 is amended by replacing “second” by “fourth”.

8. Section 33 is amended by striking out “sections 7 to 11, 15 or 17 of “ in paragraph 2.

9. Section 33.1 is amended

(1) by striking out “maternity” wherever it appears;

(2) by replacing “, father’s or mother’s spouse” in paragraph 2 of the first paragraph by “or one of their parents, father’s or mother’s spouse or one of their parents,”.

10. Section 33.2 is amended by striking out “maternity” wherever it appears.

11. The following is added after section 33.2:

“**33.3.** For the purposes of the third paragraph of section 12.2 of the Act, the benefit period may be extended if the person who so requests is in one of the situations referred to in subparagraphs 1 to 3 of the first paragraph of section 33.1.

The benefit period is extended by the number of full weeks that the situation lasts, subject to the third paragraph of section 12.2 of the Act.

If a person is again in the situation referred to in the first paragraph during the extension of the benefit period, the benefit period is extended by the number of weeks that the situation lasts, subject to the third paragraph of section 12.2 of the Act.”

12. Section 34 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

“For the purposes of the second, third and fourth paragraphs of section 23 of the Act, the period during which the benefits provided for in sections 9 to 11.3, 12.1 and 12.3 to 12.8 of the Act may be extended if the person is in one of the following situations:”;

(2) by replacing “, father’s or mother’s spouse” in subparagraph 3 of the first paragraph by “or one of their parents, father’s or mother’s spouse or one of their parents”;

(3) by replacing “third” in the second paragraph by “fourth”;

(4) by replacing “third” in the third paragraph by “fourth”.

13. Section 35 is amended by inserting “, the first paragraph of section 33.3” after “section 33.2”.

14. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 2 to 8 and 11 to 13, insofar as they concern benefits relating to a surrogacy project that apply only to a birth resulting from a surrogacy project occurring as of 6 March 2024, unless it is shown that the pregnancy began after 5 June 2023.

Draft Regulation

Civil Code of Québec
(Civil Code; 2023, chapter 13)

Parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation introduces general provisions concerning all parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec. More particularly, the draft Regulation determines the expenses that must or may be reimbursed to the woman or the person who has agreed to give birth to the child in the context of a parental project involving surrogacy, or paid to the third person who has provided the service or product, by the person alone or the spouses who formed the parental project or, where applicable, through the intermediary of a professional who is a member of a professional order and who holds the amounts in a trust account. The draft Regulation sets out the conditions for obtaining the payment of compensation for the loss of work income that the woman or the person may have suffered by reason of their contribution. The draft Regulation also determines the terms and conditions for the payment or reimbursement of expenses and for the payment of compensation for loss of work income. In addition, the draft Regulation determines what must be included in the notarial act or private writing that states the consent of the woman or the person who has agreed to give birth to a child.

Lastly, the draft Regulation introduces special provisions concerning parental projects for the legal establishment of filiation. More particularly, the draft Regulation sets out certain elements that must be included in the surrogacy agreement, as well as the standards for the deposit, in a trust account of the notary who executes the agreement, of an amount to allow the performance of the obligations of the person alone or the spouses who formed the parental project.

Further information on the draft Regulation may be obtained by contacting Nancy Allaire, Direction du soutien aux orientations, des affaires législatives et