

Gouvernement du Québec

O.C. 1751-2023, 6 December 2023

Act respecting health services and social services
(chapter S-4.2)

Certification of private seniors' residences — Amendment

Regulation to amend the Regulation respecting the certification of private seniors' residences

WHEREAS, under paragraphs 2, 2.1 and 6 of section 346.0.6 of the Act respecting health services and social services (chapter S-4.2), the Government may prescribe, by regulation,

— the health and social criteria with which the operator of a private seniors' residence must comply to receive a certificate of compliance, which may vary by category of private seniors' residence;

— the conditions that staff members and volunteers of a private seniors' residence and any other person working in such a residence must fulfill, depending on their duties, in particular conditions relating to training and security, including conditions relating to judicial records, and the information and documents those persons must provide to the operator of the residence to enable the operator to verify whether those conditions have been fulfilled;

— any other standard applicable to the operation of a private seniors' residence;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the certification of private seniors' residences was published in Part 2 of the *Gazette officielle du Québec* dated 1 November 2023 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS, pursuant to subparagraph 1 of the first paragraph of section 18 of the Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and the date applicable under section 17 of the Act, where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, pursuant to the second paragraph of section 18 of the Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency of the following circumstances requires such a coming into force of the Regulation to amend the Regulation respecting the certification of private seniors' residences:

— category 2 and 3 private seniors' residences would come under increased pressure if the obligation concerning the installation of a security device came into effect, as planned, on 15 December 2023;

— hiring difficulties could endanger the health and safety of the residents of private seniors' residences if, on the same date, the requirement that care attendants for personal assistance complete the necessary training before beginning work became applicable;

— the operators of private seniors' residences who failed to comply with the requirements would be in a situation of non-compliance since they would have committed an offence;

— there is a real risk of service disruption and the closure of private seniors' residences;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the certification of private seniors' residences without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Seniors:

THAT the Regulation to amend the Regulation respecting the certification of private seniors' residences, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the certification of private seniors' residences

Act respecting health services and social services
(chapter S-4.2, s. 346.0.6, pars. 2, 2.1 and 6)

1. The Regulation respecting the certification of private seniors' residences (chapter S-4.2, r. 0.01), as amended by section 24 of the Regulation to amend the Regulation respecting the certification of private seniors' residences, enacted by order in council 1574 2022 dated 17 August 2022, is again amended in section 24

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

“The operator of a category 3 or 4 private seniors’ residence must take all the measures necessary to prevent residents prone to wandering from leaving the residence without the knowledge of the staff members or the persons responsible for providing supervision, including the installation of a security device on each door of the congregate residential facility in which the residence is located that is identified, in the fire safety plan for the residence, as a door that may be used to evacuate the residence, and that, in such a case, alerts a staff member or person responsible for providing supervision, and also including the establishment of a procedure for staff members regarding their course of action in the event of an alert.”;

(2) by adding the following paragraph at the end:

“The security devices referred to in the first and second paragraphs may be deactivated when there is no resident prone to wandering in the residence.”.

2. Section 28 is amended by replacing “before beginning work” in the first and second paragraphs by “not later than one year after the date on which the care attendant begins work”.

3. Section 57 is amended by replacing “category 2, 3 or 4” in the part preceding subparagraph 1 of the fourth paragraph by “category 3 or 4”.

4. Section 24, as it read on 14 December 2023, continues to apply to every operator of a category 3 private seniors’ residence until 15 July 2024.

5. The provisions of this Regulation come into force on 15 December 2023, except the provisions of section 1, which come into force on 15 July 2024 with respect to the operators of category 3 private seniors’ residences.

106599

Gouvernement du Québec

O.C. 1763-2023, 6 December 2023

Environment Quality Act
(chapter Q-2)

Cap-and-trade system for greenhouse gas emission allowances — Amendment

Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances

WHEREAS, under section 46.5 of the Environment Quality Act (chapter Q-2), a cap-and-trade system is established to contribute to the achievement of the targets set and mitigate the cost of reducing or limiting greenhouse gas emissions;

WHEREAS, under subparagraph 1 of the first paragraph of section 46.8 of the Act, subject to the conditions determined by regulation of the Government, the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks may grant the available emission units, either by allocating them without charge to emitters required to cover their greenhouse gas emissions, or by selling them at auction or by agreement to persons determined by regulation of the Government;

WHEREAS, under paragraph 1 of section 46.15 of the Act, the Government may, by regulation, determine the information or documents a person who files an application for registration in the cap-and-trade system, acquires an emission allowance or carries out any other transaction or operation in the system must provide to the Minister;

WHEREAS, under paragraph 4 of section 46.15 of the Act, the Government may, by regulation, define any term or expression used in subdivision 1 of Division VI of Chapter IV of Title I of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances was published in Part 2 of the *Gazette officielle du Québec* of 20 September 2023 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;