

the person alone or the spouses who formed the parental project involving surrogacy must indicate, in the declaration made in accordance with paragraph 1 of section 6 or section 7, as applicable, the amount to be reimbursed for each expense requested or the amount of the compensation to be paid by the notary. The person alone or the spouses must then sign the declaration and transmit the completed application to the notary.

If the amounts requested by the woman or the person are accepted in whole by the person alone or the spouses, the application complies with the agreement and the evidence in support of the application is satisfactory, the notary disburses the amounts requested from the notary's trust account, remits them to the woman or the person, and completes the declaration in accordance with section 8.

If the amounts requested by the woman or the person are refused, in whole or in part, by the person alone or the spouses, but the application nonetheless complies with the agreement and the evidence in support of the application is satisfactory, the notary disburses the amounts requested from the notary's trust account in order to remit them to the woman or the person despite any provision to the contrary under the *Règlement sur la comptabilité en fidéicommiss des notaires* (chapter N-3, r. 5.2). The notary informs the person alone or the spouses thereof and completes the declaration in accordance with section 8. Despite the foregoing, if the application does not comply with the agreement or the evidence in support of the application is unsatisfactory, the notary informs the parties and retains the amount in dispute until the notary is informed of an agreement between the parties or a final decision by the court.

If the amounts requested by the woman or the person are accepted, in whole or in part, by the person alone or the spouses, but the application does not comply with the agreement or the evidence in support of the application is unsatisfactory, the notary informs the parties and retains the amount concerned until the agreement is modified or satisfactory evidence is received.

15. On receipt of an application for payment transmitted by the person alone or the spouses who formed the parental project involving surrogacy, and on receipt of the supporting documents, the notary disburses the amounts requested from the notary's trust account in order to remit them to either the person or the spouses so they can pay the third person who has provided the service or product, or directly to the third person who has provided the service or product.

If the person alone or the spouses fail to make such an application to the notary, the woman or the person who has agreed to give birth to the child may make the application

to the notary who, if the application complies with the agreement and the evidence in support of the application is satisfactory, disburses the amounts from the notary's trust account, remits them directly to the person who has provided the service or product, and informs the person alone or the spouses. Despite the foregoing, if the application does not comply with the agreement or the evidence in support of the application is unsatisfactory, the notary informs the parties and retains the amount in dispute until the notary is informed of an agreement or a final decision by the court.

16. On receipt of a declaration by the parties that all the expenses have been paid or reimbursed and, where applicable, that all financial contributions have been paid, the notary, where applicable, disburses the residue of the amount held by the person in order to remit it to the person alone or the spouses who formed the parental project.

CHAPTER III FINAL

17. This Regulation comes into force on 6 March 2024.

106693

Gouvernement du Québec

O.C. 245-2024, 7 February 2024

Health Insurance Act
(chapter A-29)

Regulation — Amendment

CONCERNING the Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS, under subparagraph *c.2* of the first paragraph of section 69 of Health Insurance Act (chapter A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, in addition to the regulatory powers conferred upon it by that Act, make regulations to determine in what cases and under what conditions assisted procreation services must be considered as insured services for the purposes of subparagraph *e* of the first paragraph of section 3 of that Act, in particular by setting the age of insured persons who may receive such services;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft regulation to amend the Regulation respecting the application of the Health Insurance Act was published in Part 2 of the *Gazette*

officielle du Québec on 1 November 2023, with notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Régie de l'assurance maladie du Québec recommends the enactment of the Regulation;

WHEREAS it is expedient to make that Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health:

THAT the Regulation to amend the Regulation respecting the application of the Health Insurance Act, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Health Insurance Act

Health Insurance Act
(chapter A-29, s. 69, 1st para., subpara. c.2)

1. The definition of “assisted procreation project” set out in section 34.3 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended by replacing “using, if needed,” by “resorting to, if needed, a woman or person who is not party to the project to give birth to these children, or”.

2. Section 34.4 of the Regulation is amended:

(1) by replacing subparagraph *c* of the first paragraph by the following:

“(c) in the case of spouses, either is in one of the following situations:

- i. infertile;
- ii. unable to reproduce;
- iii. at high risk of conceiving a child with a monogenic hereditary disease or an inherited chromosomal disorder resulting in a serious, severely debilitating or fatal disease or abnormality for which there is no treatment available to neutralize its serious, disabling or fatal nature;”;

(2) by inserting, after the first paragraph, the following:

“For the purposes of subparagraph *a* of the first paragraph, a person with respect to whom the cost of the insured health services they receive or may receive is assumed otherwise than under the Health Insurance Act due to the fact that they are resident in Québec and in active service in the Canadian Armed Forces is considered an insured person.”;

(3) by replacing, in the second paragraph, “Every person party to the assisted procreation project must declare, using the form provided by the Board, that he or she meets” by “The person alone or spouses party to the assisted procreation project must declare, using the form provided by the Board, that they meet”.

3. Section 34.5 of the Regulation is amended:

(1) by replacing “by providing reproductive material free of charge” by “by agreeing to give birth to a child or by providing reproductive material free of charge if that person has not undergone voluntary surgical sterilization or had reanastomosis of the uterine tubes or the vas deferens, as the case may be, within the meaning of paragraphs *b* and *c* of section 34.2”;

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

“In addition, when a woman or person contributes to the assisted procreation project by agreeing to give birth to a child, services are provided only if no other woman or person simultaneously contributes to the project by agreeing to give birth to a child resulting from the project.”.

4. Section 34.6 of the Regulation is amended:

(1) by replacing, in subparagraph *a*, “18 years of age or over and” by “or the person is”;

(2) by inserting after “woman” in subparagraph *b*, “or the person”;

(3) by replacing subparagraph *c* by the following:

“(c) the person alone or spouses party to the assisted procreation project must be 18 years of age or over at the time the first service is provided in the course of the assisted procreation project;

(d) the person who contributes to the assisted procreation project by providing reproductive material free of charge is 18 years of age or over at the time the first service is provided in relation to its contribution.”;

(4) by adding, at the end, the following paragraph:

“In the case of a woman or person who contributes to the assisted procreation project without being a party to it by agreeing to give birth to the child, the services are considered insured only if she is at least 21 years of age and meets the conditions relating to the maximum age set out in subparagraphs (a) and (b) of the first paragraph.”

5. Section 34.8 of the Regulation is amended:

(1) by replacing “to retrieve eggs;” by “for a single egg retrieval procedure;” in subparagraph *c* of the first paragraph;

(2) by adding, at the end of the first paragraph, the following subparagraph:

“(h) embryo biopsy and preimplantation genetic testing for all embryos obtained from an IVF cycle.”;

(3) by replacing in the second paragraph “two ovulatory cycles if no egg is obtained at the end of the first ovulatory cycle” by “a second ovulatory cycle if, during the first cycle, the number of follicles is insufficient and egg retrieval has not taken place”;

(4) by adding, at the end, the following paragraph:

“The services referred to in subparagraph *h* of the first paragraph are considered to be insured only if the embryos were created using the reproductive material of a member of the assisted procreation project who is at high risk of conceiving a child with a monogenic hereditary disease or an inherited chromosomal disorder resulting in a serious, disabling or fatal disease or abnormality, whether the condition starts in childhood or adulthood, and for which there is no treatment available to neutralize its serious, disabling or fatal nature. They are not considered insured services if they are intended to:

(a) detect embryos that are carriers of recessive diseases or abnormalities when only one parent is a carrier of the disease or abnormality;

(b) detect an embryo with susceptibility genes for multifactorial diseases;

(c) select an embryo in order to make it a donor of tissues or stem cells only;

(d) select the sex of a child, except in the case of an x-linked disease or abnormality;

(e) voluntarily produce a child with disabilities.”

6. The Regulation is amended by inserting, after section 34.9, the following:

“**34.9.1.** Assisted procreation services required for ovarian stimulation by injectable agent other than artificial insemination or IVF are considered insured services.”

7. Section 34.10 of the Regulation is amended by replacing “34.9” by “34.9.1”.

8. This Regulation comes into force on 6 March 2024.
106695

M.O., 2024-01

Ministerial Order 2024-01 of the Minister of Finance dated 23 January 2024

Credit Assessment Agents Act
(chapter A-8.2)

Insurers Act
(chapter A-32.1)

Act respecting financial services cooperatives
(chapter C-67.3)

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

Deposit Institutions and Deposit Protection Act
(chapter I-13.2.2)

Derivatives Act
(chapter I-14.01)

Trust Companies and Savings Companies Act
(chapter S-29.02)

Securities Act
(chapter V-1.1)

REGULATION respecting complaint processing and dispute resolution in the financial sector

CONSIDERING that section 38 of the Credit Assessment Agents Act (chapter A-8.2) provides that the Autorité des marchés financiers may, by regulation, determine the policy that credit assessment agents must adhere to under subparagraph 3 of the second paragraph of section 35 of the Act or components of such a policy;