

Draft Regulation

Civil Code of Québec
(Civil Code)

Act respecting clinical and research activities relating to assisted procreation
(chapitre A-5.01)

Communication of personal information and documents related to the procreation of a child involving the contribution of a third person in the context of a parental project

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the communication of personal information and documents related to the procreation of a child involving the contribution of a third person in the context of a parental project, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides the terms under which a person born of procreation involving the contribution of a third person or a descendant in the first degree of a person born of such procreation who is deceased may obtain a copy, if applicable, of the surrogacy agreement, of the judgment concerning the person's filiation, as well as of the other documents contained in the judicial file from the court office of the district in which the judgment was rendered.

The draft Regulation also provides the other information that the registrar of civil status must enter in the register kept by the Minister of Employment and Social Solidarity in accordance with article 542.10 of the Civil Code and the information that a centre for assisted procreation must send to the Minister for entry in the register.

Further information on the draft Regulation may be obtained by contacting Mtre. Nancy Allaire, Direction des orientations et des affaires législatives, Ministère de la Justice; telephone: 418 643-0424, extension 21688; email: nancy.allaire@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; email: ministre@justice.gouv.qc.ca.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation respecting the communication of personal information and documents related to the procreation of a child involving the contribution of a third person in the context of a parental project

Civil Code of Québec
(Civil Code, art. 542.1, 2nd par., art. 542.14, 2nd par., art. 542.15, 3rd par., and art. 542.17, 2nd par.).

Act respecting clinical and research activities relating to assisted procreation
(chapter A-5.01, s. 43.1, 4th par.).

1. To obtain a copy, if applicable, of the surrogacy agreement, of the judgment concerning the person's filiation, as well as of the other documents contained in the judicial file from the court office of the district in which the judgment was rendered, the person born of procreation involving the contribution of a third person must obtain an attestation from the authority designated by law to disclose the information provided for in article 542.1 of the Civil Code. The same applies to the descendants in the first degree, 14 years of age or over, of a person born of procreation involving the contribution of a third person if the person born of such procreation is deceased.

The attestation must make it possible to confirm, as the case may be, the status of the applicant as person born of procreation involving the contribution of a third person or as descendant in the first degree of a person born of such procreation who is deceased and to confirm if the applicant may obtain the information making it possible to contact the third person who contributed to the procreation including the conditions authorizing the contact.

2. The registrar of civil status must, in addition to the information provided for in the second paragraph of article 542.14, the third paragraph of article 542.15 and the second paragraph of article 542.17 of the Civil Code, enter in the register kept in accordance with article 542.10 of the Code, the registration number in the register of civil status of the child's act of birth.

In the case of a parental project involving the use of a third person's reproductive material referred to in articles 542.15 and 542.17 of the Code, the registrar of civil status also enters the name of the person with regard to whom the child's filiation is registered and the person's address.

3. A centre for assisted procreation must, in addition to the information provided for in the second paragraph of section 43.1 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01), send to the Minister of Employment and Social Solidarity, for entry in the register kept in accordance with article 542.10 of the Civil Code,

- (1) the type of reproductive material used;
- (2) the date on which the reproductive material was used; and
- (3) the name and address of the person alone or the spouses who formed the parental project who used the reproductive material.

If the reproductive material used to contribute to the assisted procreation of a child comes from Québec, the centre must also send to the Minister, for the same purpose, the date on which the reproductive material was provided and the year of birth of the third person who provided the material.

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

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