

Further information may be obtained by contacting Linda Bélanger, Assistant Director, Direction des services juridiques, Collège des médecins du Québec, 1250, boulevard René-Lévesque Ouest, bureau 3500, Montréal (Québec) H3B 0G2; telephone: 514 933-4441 or 1 800 633-3246; email: lbelanger@cmq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Guylaine Couture, Secretary, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

GUYLAINE COUTURE,
*Secretary of the Office des
professions du Québec*

Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a pharmacist

Medical Act
(chapter M-9, s. 19, 1st par., subpar. b)

1. The Regulation respecting certain professional activities that may be engaged in by a pharmacist (chapter M-9, r. 12.2) is amended by the insertion in the third paragraph of the section 6, before “The pharmacist communicates” of “If he deems it relevant or if the clinical situation requires it,”.

2. This Regulation comes into force on the fifteenth day after the date of its publication in the *Gazette officielle du Québec*.

103918

Draft Regulation

An Act to promote the protection of persons by establishing a framework with regard to dogs
(chapter P-38.002)

Regulation respecting the application —Making

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation obligates veterinary surgeons and physicians to report dog-inflicted injuries without delay. It determines the information that must be included in, and specifies the local municipality to which the report must be made.

The draft Regulation allows a local municipality to have a dog examined by a veterinary surgeon that it chooses to evaluate the dog's condition and dangerousness. It provides that the local municipality may, after having considered the veterinary surgeon's report, declare the dog potentially dangerous where it is of the opinion that it constitutes a risk for public health and safety. It also provides that a dog that bit or attacked a person or a domestic animal and inflicted injuries may be declared potentially dangerous by a local municipality. In the case where a dog that bit or attacked a person caused the person's death or inflicted serious injuries, the draft Regulation provides that the local municipality order that the dog be euthanized. It also grants to local municipalities the power to order the owner or custodian of a dog, where circumstances justify it, to comply with certain measures, for example, to have the dog euthanized or prohibit the owner or custodian from owning a dog. The draft Regulation establishes the terms of exercise of powers of local municipalities. It also establishes dog supervision and ownership standards and confers powers of inspection and seizure on inspectors of a local municipality. It also provides offences.

Lastly, the draft Regulation exempts certain dogs from the application of its provisions.

The measures proposed by the draft Regulation have no significant impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Thierry Lorman, Strategic Advisor, Bureau du sous-ministre associé, Direction générale des affaires policières, Ministère de la Sécurité publique, Tour du St-Laurent, 8^e étage, 2525, boulevard Laurier, Québec (Québec) G1V 2L2; telephone: 418 646-6777, extension 60132; email: thierry.lorman@msp.gouv.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Véronyck Fontaine, Secretary General, Ministère de la Sécurité publique, Tour des Laurentides, 5^e étage, 2525, boulevard Laurier, Québec (Québec) G1V 2L2; fax: 418 643-3500; email: veronyck.fontaine@msp.gouv.qc.ca.

GENEVIÈVE GUILBAULT,
Minister of Public Security

Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs

An Act to promote the protection of persons by establishing a framework with regard to dogs (chapter P-38.002, s. 1).

DIVISION I EXEMPTED DOGS

1. This Regulation does not apply to the following dogs:

(1) a dog needed by a person to assist the person and that is the subject of a valid certificate attesting that the dog has been trained for that purpose by a professional service dog training organization;

(2) a dog in a police force dog team;

(3) a dog used in the course of the activities of the holder of a licence issued under the Private Security Act (chapter S-3.5);

(4) a dog used in the course of a wildlife protection officer's activities.

DIVISION II REPORTING OF DOG-INFLICTED INJURIES

2. A veterinary surgeon must report without delay to the local municipality concerned dog-inflicted injuries to a person or domestic animal by communicating, if known, the following information:

(1) the name and contact information of the owner or custodian of the dog;

(2) any information, including the breed or type, allowing the dog to be identified;

(3) the name and contact information of the injured person or of the owner or custodian of the injured domestic animal and the nature and seriousness of the injury that was inflicted.

3. A physician must report without delay to the local municipality concerned dog-inflicted injuries to a person by communicating the nature and seriousness of the injury and, if known, the information provided for in subparagraphs 1 and 2 of the first paragraph of section 2.

4. For the purposes of sections 2 and 3, the local municipality concerned is that of the principal residence of the owner or custodian of the dog that inflicted the injury or, if that information is unknown, that where the incident took place.

DIVISION III DECLARATIONS OF DOGS POTENTIALLY DANGEROUS AND ORDERS WITH REGARD TO OWNERS OR CUSTODIANS OF DOGS

§1. Powers of local municipalities

5. Where there are reasonable grounds to believe that a dog constitutes a risk for public health and safety, a local municipality may require that its owner or custodian have the dog undergo an examination by a veterinary surgeon that it chooses so that its condition and dangerousness are evaluated.

6. The local municipality notifies the owner or custodian of the dog, where known, of the date, time and place to appear for the dog's examination and of the fees to be paid for the examination.

7. The veterinary surgeon sends the report to the local municipality as soon as possible. It must contain the veterinary surgeon's opinion as to the risk the dog constitutes for public health and safety.

It may also contain recommendations on the measures to be taken with regard to the dog.

8. A dog may be declared potentially dangerous by the local municipality that is of the opinion that, after considering the report of the veterinary surgeon having examined the dog and evaluated its condition and dangerousness, it constitutes a risk for public health and safety.

9. A dog that bit or attacked a person or a domestic animal and injured the person or animal may also be declared potentially dangerous by a local municipality.

10. A local municipality orders the owner or custodian of a dog that bit or attacked a person and that caused the person's death or inflicted a serious injury to the person to have the dog euthanized. It must also have such a dog euthanized where the owner or custodian is unknown or cannot be found.

Until the dog is euthanized, a dog referred to in the first paragraph must be muzzled at all times with a basket muzzle where it is outside the residence of its owner or custodian.

For the purposes of this section, any physical injury that could lead to death or that results in serious physical consequences constitutes a serious injury.

11. A local municipality may, where circumstances justify it, order the owner or custodian of a dog to comply with one or more of the following measures:

(1) submit the dog to one or more of the standards provided for in Division IV or to any other measure intended to reduce the risk that the dog constitutes for public health and safety;

(2) have the dog euthanized;

(3) get rid of the dog or any other dog or prohibit the owner or custodian from owning, acquiring, keeping or breeding a dog for a period it determines.

The order must be proportionate to the risk that the dog, owner or custodian constitutes for public health and safety.

§2. Terms governing the exercise of powers by local municipalities

12. A local municipality must, before declaring a dog potentially dangerous under section 8 or 9 or rendering an order under section 10 or 11, inform the owner or custodian of the dog of its intention and of the grounds on which it is founded and indicate the period within which the owner or custodian may present observations and, where applicable, produce documents to complete the file.

13. Every decision of the municipality is sent in writing to the owner or custodian of the dog. Where the municipality declares a dog potentially dangerous or renders an order, the decision must be in writing, with reasons, and must refer to any document or information that the local municipality has taken into consideration.

The declaration or order is notified to the owner or custodian of the dog and indicates the period the owner or custodian has to comply therewith. Before the expiry of that period, the owner or custodian of the dog must, at the request of the municipality, show that the owner or custodian has complied with the order. Failing that, the owner or custodian is presumed not having complied with the order. In that case, the municipality gives a formal notice to the owner or custodian to comply within a given period and indicates to the owner or custodian the consequences of the failure.

14. A local municipality may designate an officer or an employee of the municipality responsible for the exercise of the powers provided for in this Division.

15. The powers of a local municipality to declare a dog potentially dangerous and to render orders under this Regulation are exercised with regard to dogs whose owner or custodian has his or her principal residence in its territory.

Despite the foregoing, a declaration or an order rendered by a local municipality applies to the entire territory of Québec.

**DIVISION IV
DOG SUPERVISION AND OWNERSHIP
STANDARDS**

§1. Standards applicable to all dogs

16. The owner or custodian of a dog must register it with the local municipality of the principal residence within 15 days of the acquisition of the dog, of the establishment of the principal residence in a municipality or of the day when the dog reaches the age of 3 months.

Despite the first paragraph, the obligation to register a dog

(1) applies from the day on which the dog reaches the age of 6 months where a pet shop, namely, a business where companion animals are kept and offered for sale to the public, or a dog breeder is the owner or custodian of the dog; and

(2) does not apply to a veterinary establishment, a shelter, an animal service, a pound or any person or organization dedicated to the protection of animals that holds a permit referred to in section 19 of the Animal Welfare and Safety Act (chapter B-3.1) and to an educational institution or establishment that carries out research activities.

The owner or custodian of a dog must pay the annual registration fees set by the local municipality.

17. The owner or custodian of a dog must provide, for it to be registered, the following information and documents:

(1) its name and contact information;

(2) the breed or type, sex, colour, year of birth, name, distinctive features, the dog's origin and if its weight is 20 kg or more;

(3) where applicable, proof that the dog was vaccinated against rabies, spayed or neutered, or microchipped and the number of the microchip, or a notice written by a veterinary surgeon indicating that the vaccination, spay or neuter, or microchipping is contraindicated for the dog;

(4) any decision with regard to the dog or with its regard rendered by a local municipality under this Regulation or a municipal by-law concerning dogs.

18. The registration of a dog in a local municipality subsists for as long as the dog and its owner or custodian remain the same.

The owner or custodian of a dog must inform the local municipality in which the dog is registered of any change in the information provided pursuant to section 17.

19. The local municipality gives to the owner or custodian of a registered dog a tag with the dog's registration number.

A dog must wear the tag given by the local municipality in order to be identifiable at all times.

20. In a public place, a dog must at all times be under the control of a person capable of controlling it.

Except in a dog run facility, a dog must also be on a leash whose maximum length is 1.85 m. A dog of 20 kg and more must also wear, at all times, a halter or a harness attached to its leash.

21. A dog may not be on property belonging to a person other than its owner or custodian, unless the presence of the dog has been expressly authorized.

§2. Standards applicable to dogs declared potentially dangerous

22. A dog declared potentially dangerous must be vaccinated against rabies, microchipped and spayed or neutered, unless there is a contraindication for the dog established by a veterinary surgeon. Vaccination against rabies must be administered every 3 years.

23. A dog declared potentially dangerous may not be kept in the presence of a child 10 years of age or under unless it is under the constant supervision of a person 18 years of age or over.

24. A dog declared potentially dangerous must be kept using a device that prevents the dog from going beyond the boundaries of a private property that is not fenced or whose fence cannot contain it. In addition, a sign must be posted at a place announcing to a person coming on the property the presence of a dog declared potentially dangerous.

25. In a public place, a dog declared potentially dangerous must wear, at all times, a halter or a basket muzzle. In addition, it must be on a leash whose maximum length is 1.25 m, except in a dog run facility.

DIVISION V
INSPECTION AND SEIZURE

§1. Inspection

26. For the purpose of ensuring the application of this Regulation, an inspector who has reasonable grounds to believe that a dog is on premises or in a vehicle may, in the performance of inspection duties,

(1) enter and inspect the premises at any reasonable time;

(2) inspect the vehicle or order any such vehicle to be stopped for inspection;

(3) examine the dog;

(4) take photographs and make recordings;

(5) require any person to produce any books, accounts, registers, records or other documents for examination or for the purpose of making copies or obtaining extracts, if the inspector has reasonable grounds to believe that they contain information relating to the application of this Regulation; and

(6) require any person to provide any information relating to the application of this Regulation.

If the premises or vehicle are unoccupied, the inspector leaves a notice indicating his or her name, the time of the inspection, as well as the reasons for the inspection.

27. An inspector who has reasonable grounds to believe that a dog is in a dwelling house may require that the owner or occupant of the premises show them the dog. The owner or occupant must comply immediately.

The inspector may enter the dwelling house only with the occupant's authorization or else with a search warrant issued by a judge, on the basis of a sworn statement by the inspector asserting that the inspector has reasonable grounds to believe that a dog that constitutes a risk for public health and safety is in the dwelling house, authorizing, on the conditions the judge indicates, the inspector to enter the dwelling house, seize the dog and dispose of it in accordance with this Division. The warrant may be obtained in accordance with the procedure provided for in the Code of Penal Procedure (chapter C-25.1), with the necessary modifications.

Every judge of the Court of Québec or of a municipal court or every presiding justice of the peace has jurisdiction to issue a search warrant under the second paragraph.

28. The inspector may require that the owner, custodian or person responsible for a vehicle or for premises being inspected, as well as any person in the vehicle or on the premises, assist the inspector in the performance of inspection duties.

§2. Seizure

29. An inspector may seize a dog for the following purposes:

(1) have the dog undergo an examination by a veterinary surgeon in accordance with section 5 where the inspector has reasonable grounds to believe that the dog constitutes a risk for public health and safety;

(2) have the dog undergo the examination required by the local municipality where its owner or custodian fails to attend the examination in accordance with the notification under section 6;

(3) execute an order rendered by the local municipality under section 10 or 11 where the period provided for in the second paragraph of section 13 to comply with it has expired.

30. The inspector has custody of the seized dog and may keep the dog or entrust it to a person in a veterinary establishment or in a shelter, an animal service, a pound or premises kept by a person or an organization dedicated to the protection of animals holding a permit referred to in section 19 of the Animal Welfare and Safety Act (chapter B-3.1).

31. Custody of the dog is maintained until the dog has been returned to its owner or custodian.

Except if the dog has been seized to execute an order rendered under the first paragraph of section 10 or subparagraph 2 or 3 of the first paragraph of section 11, or if the municipality renders an order under one of its provisions, the dog is returned to its owner or custodian

(1) if, as soon as the dog has been examined, the veterinary surgeon is of the opinion that the dog does not constitute a risk for public health and safety, or as soon as the order has been executed; and

(2) if 90 days have elapsed since the date of the seizure without the dog having been declared potentially dangerous or, before that time limit expires, if the inspector has been notified that there is no reason to declare the dog potentially dangerous or that the dog has been declared potentially dangerous.

32. Animal care expenses incurred as a result of a seizure are borne by the owner or custodian of the dog, including the costs incurred to provide veterinary care, treatment, surgical procedures and medication required during the seizure and examination by a veterinary surgeon, and to transport, euthanize or dispose of the dog.

DIVISION VI OFFENCE

33. The owner or custodian of a dog who contravenes section 6 or does not comply with an order rendered under section 10 or 11 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person and \$2,000 to \$20,000 in other cases.

34. The owner or custodian of a dog who contravenes any of sections 16, 18 and 19 is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in other cases.

35. The owner or custodian of a dog who contravenes any of sections 20 and 21 is liable to a fine of \$500 to \$1,500 in the case of a natural person and \$1,000 to \$3,000 in other cases.

36. The minimum and maximum fines provided for in sections 34 and 35 are doubled where the offence concerns a dog declared potentially dangerous.

37. The owner or custodian of a dog who contravenes any of sections 22 to 25 is liable to a fine of \$1,000 to \$2,500 in the case of a natural person and \$2,000 to \$5,000 in other cases.

38. The owner or custodian of a dog who provides false or misleading information or information that the owner or custodian should have known to be false or misleading relating to the registration of a dog is liable to a fine of \$250 to \$750 in the case of a natural person and \$500 to \$1,500 in other cases.

39. Every person who in any way hinders any person responsible for the application of the Act in the performance in the person's duties, deceives the person by concealment or misrepresentation or refuses to provide information that the person is entitled to obtain under this Regulation is liable to a fine of \$500 to \$5,000.

40. The minimum and maximum fines prescribed in this Division are doubled for a subsequent offence.

DIVISION VII

TRANSITIONAL AND FINAL

41. The owner or custodian of a dog on the date of coming into force of this Regulation has 3 months following that date to register the dog in accordance with section 16.

42. 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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